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Human Rights Tribunal Meets in Arwal

Judges Break New Ground

Gazette News Service

February 21, 1987. Gandhi Library, Arwal. Nine months ago this was the scene of a brutal police firing where more than 20 landless labourers were shot dead. Now at that spot a huge red, blue and white banner announced "Indian People's Human Rights Tribunal Hearing on Police Firing in Arwal".

This small town on the Patna-Aurangabad highway, comes under the newly created Jehanabad District with a population of 10 lakhs of which about 40 per cent are landless peasants or poor peasants who are mostly Dalits. Agriculture is the primary means of subsistence but only a fourth of the land is irrigated. Consequently there is a high rural unemployment. The wages are very low. Sometimes the labourers are paid in kind — 750 grams of makai or kesari dal.

The unbearable working and living conditions have compelled the landless and the poor peasants to organize themselves. One of these organizations is the Mazdoor Kisan Sangram Samiti which has been fighting for minimum agricultural wages, implementation of the land ceiling law and the abolition of the bonded labour system. One of the first cases the MKSS took up at Arwal was the dispute between nine poor landless Dalit families and a rich propertied family of the Razaks over a plot measuring a mere 27 decimals. It was this dispute which formed the background of the police firing.

Judges Visit Arwal

The two Judges of the Tribunal, Mr T.U Mehta and P.S Poti, arrived at Arwal at around one in the afternoon and went straight to inspect the land. They had to bend double to get through the hut of Janak Sao to reach the land. It is a low lying piece of land on which the nine landless families kept their cattle. Also, it provided a place to let out sewerage. The Razak

Continued on page 11, col 3

Citizens Justice Committee Rejects Misra Report

Inaccuracies and Suppression of Facts to Protect Ruling Party

H.K.L. Bhagat Shielded; Army Major's Evidence Excluded



A vision of 1984 by Prem Singh

The Citizens Justice Committee (CJC) headed by former Chief Justice of the Supreme Court, Justice S.M. Sikri, has said in a press statement that it is unable to accept the conclusions of the report of the Misra Commission on the carnage of Sikhs in November 1984. This is because the Commission omitted to consider a large body of relevant material placed before it. In view of glaring inaccuracies in the report, the CJC points out that the "Misra Commission has failed to come to the inescapable conclusion that the riots were organised". The CJC believes that "whether the riots were technically organised or not, it is a terrible indictment on the ruling party

and government that there was large scale participation of members of the ruling party aided and abetted by the Government and its enforcing agencies."

The CJC statement was released to the press by its convenor, H.S. Phoolka on March 5, 1987. Besides Justice Sikri, who is the President, the Citizens Justice Committee is composed of Ms Amiya Rao, Charanjit Singh, Gobinda Mukhotey, Gurbachan Singh, Gian Singh Vohra, Hardev Singh, Ms Jaya Jaitly, Lt. Gen. J.S. Aurora, Khushwant Singh, K.M. Singh, N.D. Pancholi, Rajni Kothari, Ranjit Singh Narula, Soli J. Sorabjee, V.M. Tarkunde.

Justice Sikri and other members of the CJC, all eminent citizens with non-partisan credentials in public life, have taken strong exception to Justice Misra's castigation of the CJC for "its withdrawal from the proceedings" on March 31, 1986. The CJC had explained its reasons for withdrawal in 18 pages of submissions, but the Misra Commission not only omitted to meet the reasons, but also failed to mention the same.

The CJC withdrew from the proceedings of the Commission on March 31, 1986, because of certain compelling reasons which included:

1. A number of vital documents summoned at the insistence of C.J.C. were not even shown to it.
2. The request to examine eight high government officials was

turned down and the Commission secretly claimed to have examined five of them without disclosing their identity or statements. Thus in-camera proceedings were held within an in-camera enquiry by the Commission. The Commission decided ad-hoc what was good for the CJC to know and what was not.

3. The reports of the Investigating Agency of the Commission were not furnished to the CJC except conclusions arrived at in five cases only. The Investigating Agency, which is bound to conduct an independent enquiry, was merely reduced to checking and cross-checking the affidavits. No opportunity was given to test the quality of investigation.

4. The Commission did not effectively provide protection to the victims who were to testify before it. The culprits of the carnage went about subjecting the victims to threats and coercion.

Had the Commission taken the CJC into confidence and not denied its right to cross-examine important officials, such as Shri R.S. Sethi, vital information pertaining to political pressure would have been elicited and brought on record.

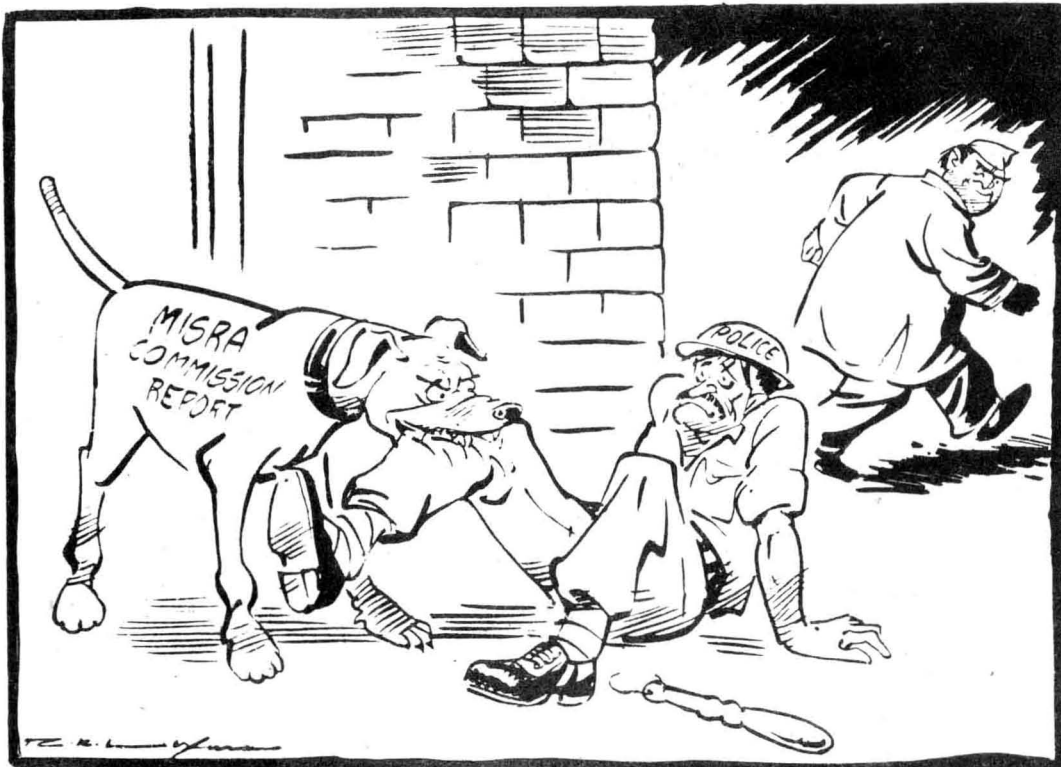
The CJC in this situation, finding that the entire exercise had become a mockery of fair play and natural justice, could not persuade itself to continue associating with further proceedings of the Commission. There was no point in arguing before the Commission without having the whole material which had been placed before the Commission by parties or collected by it.

H.K.L. Bhagat, Etc., Shielded

A striking feature of the report of the Commission is that substantial material on vital aspects has gone altogether unnoticed. For example, points out the CJC, detailed information

Continued on page 13, col 3

Cover-Up, Eyewash, Forthright, Flawed — The Misra Commission Report



The Misra Commission report provoked editorial comment, both in editorials and edit page articles, in all the national dailies. Strong condemnation, both of the Commission's conclusions and procedures, dominated the comment. "An eyewash" said the *Indian Express* edit (Feb 25), and in the same paper, its former editor Mr. S. Mulgaokar described it as a "Flawed Inquiry's flawed report" (Feb 28). The *Times of India* editorial was titled "A Terrible Indictment" (Feb 25) The title highlighting what little the edit found to appreciate in the report, but the rest of the piece was an indictment of the Commission's findings. Two days later in the same paper (Feb 27) A.S. Abraham's article saw the report as "An exercise in evasion", words much milder than those used later in the column.

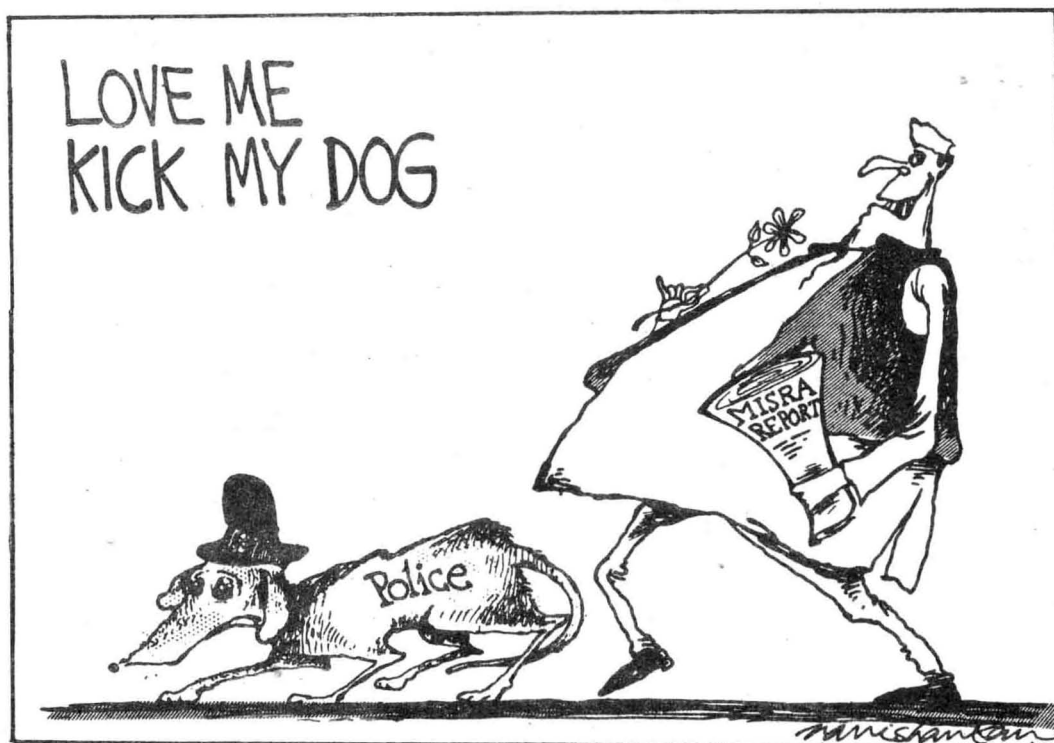
The *Hindustan Times* alone of the national dailies saw the report as "A Forthright report" (Feb 25) and was apologetic on the Commission's behalf. "No commission of inquiry has had to function under such difficult circumstances" it said, explaining that "From the moment that the Ranganath Misra Commission began its work, its credentials were impugned in a section of the press. Every decision of the Commission was subjected to a pitiless, and often biased, scrutiny."

Questionable Procedures

The *Indian Express* edit saw things differently. "The procedures adopted by the Commission were so lopsided, so manifestly designed to stay away from the truth that the Citizens Justice Committee headed by the former Chief Justice of India, Mr.S.M. Sikri, was compelled to withdraw from its proceedings. The *Times of India* pointed out that "... the Commission on its part, failed to

show the kind of sensitivity that the occasion demand. It should have gone out of its way to ensure that organisations such as the People's Union for Democratic Rights (PUDR) and the People's Union for Civil Liberties (PUCL) which had championed the cause of the riot victims, did not withdraw from its proceedings. It did not or at least such an impression was allowed to spread."

former Commissioner of Police; his successor, Mr Ved Marwah; and the Directors General of Doordarshan and AIR. **Why was cross examination disallowed? Because, in the Commission's view, it was inexpedient to do so. What was the inexpediency? There is no answer. Why then was cross-examination of others allowed? There is**



Writing in the *Statesman* (Feb 26) Mr.S. Sahay pointed out that the government's willingness, in response to Mr Barnala's demand, to place the Misra Commission report before Parliament, and the terms of reference and procedures adopted by the Commission, should "have prepared the public for the contents (of the report)" Mr Sahay commented "The Commission chose to hold the proceedings in camera; it disallowed cross-examination of official witnesses. Among them were Mr. P.V. Narasimha Rao, the then Home Minister; Mr M.M.K. Wali, Lieutenant Governor; Mr. S.C. Tandon,

no answer either."

Referring to Mr Narasimha Rao's evidence, the *Indian Express* said "What was the Union Home Minister doing? What was the Home Secretary doing? Mr Misra's obfuscations are mere eyewash. Mr P.V. Narasimha Rao, the then Home Minister, was examined, he says, on aspects relevant to the inquiry. The result? 'It was unfortunate' he (Mr Misra) concludes 'that the happenings in different areas in Delhi were not being contemporaneously reported to police headquarters and there was no proper feeding of what was happening even to the

Administrator — Lt. Governor. Since this was the position at the level of the Administrator, the exact picture of what was happening must not have reached the Home Minister or the Prime Minister." The *India Express* commented, "This is just plain nonsense. One does not need the 'exact picture' with every minute detail filled in to act, for instance, to ask the Lt. Governor to call in the Army. The smoke could be seen from rooftops, eyewitness accounts of arson, looting and murder were pouring in. Persons who are amongst the most sagacious and responsible citizens of the city as well as MPs personally spoke to the Home Minister and Home Secretary."

Mr Abraham put it "But the way the commission went about its business ensured that it won the confidence of neither the Sikhs nor the civil rights groups prepared to testify before it. While the former wrote it off, the later withdrew their cooperation. Worse, bodies of dubious repute were allowed to come before it." Mr Mulgaokar minced no words: "The Commission excelled itself in placing even more constraints on itself than even the terms of reference could have intended — or may be not. **There is so much**

that is devious concerning the entire ugly chapter of the Commission's workings that very little it says meets the test of credibility".

On the Commission's 'clean chit' to the Congress (I)'s role in the carnage the *Times of India* stated that "... Mr. Raghunath Misra has given a definite finding that senior Congress leaders were not in any way involved in the holocaust, though he had held that lower level Congressmen took a in the riots ..." Mr Sahay described Mr Misra as being "very severe

Continued on page 13, col 1

ONE DAY
I SHALL BE
LIKE A
BANYAN TREE

Gabriele Dietrich

If we withdraw
we will be
stagnant pools.
If we receive
and give
We will be
living springs.

Perhaps

Perhaps our God
won't be dead but red,
perhaps he's with us in the revolution,
leads into the desert and shares out
his bread
at the roadside no more destitution.

And the Lord will pitch his tent,
his tent among mudwalls
the cathedrals will be empty and
rotting
and he teaches us freedom,
the control of all power,
and the people will awaken in
shalom.

Perhaps our God has turned red
and died
was killed in Chile and in Vietnam
was bombed and was tortured
and silenced and tied
But his new life is certain to come.

And the Lord will pitch his tent,
his tent among the squatters
and he helps to overcome all exploitation
and he teaches us freedom
the control of all power
and the people will awaken in
shalom

The promise is that new life will
come
his Kingdom is already on the way
and hunger and pain and wars will
be gone
and all tears will be wiped away.
And the Lord will be with us
in his tent amidst our dwellings
and the sting of death forever will
be broken
and he teaches us freedom,
even freedom from power
and all people will be living in
Shalom.

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Anti-Barnala Mood Gaining Ground in Punjab

Gazette News Service Reports From Longowal, Amritsar and Chandigarh

The Punjab problem has become a game of chess with each group and political party of the Sikhs making moves and counter-moves and each one throwing challenges at the other, regardless of the stakes. The convention at Longowal was also a move in this direction.

Threatened with losing power following the edict of the Jathedar of the Akal Takht excommunicating the Chief Minister, Mr Surjit Singh Barnala, from the Sikh panth for not resigning from the party post as directed, the ruling Akali Dal organised the convention at Longowal. The edict was issued by the Jathedar following widespread resentment among the Sikhs that the Centre had found a pliable pawn in the Chief Minister, who in turn was allowing himself to be used by Delhi for the sake of power. There was a feeling that he had no hold over the law and order machinery in the State as a result of which large scale killings of the Sikhs are taking place in fake encounters; they are being humiliated and the CRPF is committing excesses like the ones at Brahmpura. The feeling is that the police chief, Mr J.F. Rebeiro is functioning under the directions of New Delhi, and not the State Government. It is widely believed that the Centre is taking advantage of factional fighting among the Sikhs and if unity could be forged, the Centre would no longer succeed in its "anti-Sikh" policies and would have to concede the legitimate demand of the Sikhs.

Unfortunately due to politics at every level the unity move ended

up doing exactly what it had not intended to — in dividing the Sikh community even more. And the president of a theocratic party, Mr Barnala, himself decided to challenge the role of the Akal Takht Jathedar. This incidentally was the third challenge to the highest religious-cum temporal authority of the Sikhs in recent years — the first one was by the Nihang Chief, Baba Santa Singh after the reconstruction of the Akal Takht following Operation Blue Star in 1984 and then by Mr Buta Singh, the present Home Minister in the Rajiv Gandhi government. All the three were excommunicated by the Akal Takht.

Barnala Initiated Unity Move Through Previous Jathedar

The unity move which led to Mr Barnala's excommunication was initiated by none other than the Chief Minister himself in November 1986. Then the former Jathedar of the Akal Takht, Kirpal Singh, was asked by the Chief Minister to intervene. Various Sikh political groups met the Jathedar from time to time to project their party's point of view. Unfortunately no headway could be made since Mr Barnala's political rivals, Mr Parkash Singh Badal and Mr Ravi Inder Singh, laid down very difficult conditions. They wanted the Chief Minister to step down from party presidentship as well as Chief Ministership. But what irked Mr Barnala most was the last condition that he would not even contest for the chief ministerial post. Quite obviously the unity move ended in a failure.

Efforts continued in this direction when Professor Darshan Singh took over as Jathedar on December 24. This time even the

Religion and Politics at Longowal Convention Receive Mammoth Support from Central and State Governments.



Pictures show: Recitation from the Guru Granth Sahib; S. Surjit Singh Barnala, Chief Minister Punjab at a mammoth gathering at a Sikh convention at village Longowal. Jathedar of Takhat Hazur Sahib and Takhat Patna Sahib were also present. S. Balwant Singh, Finance Minister Punjab sitting on the right side is also seen in the picture. A mammoth gatherings endorsing the resolution expressing full faith in the leadership of S. Surjit Singh Barnala.

various militant groups were keen on a unity move. All parties started meeting the Jathedar in this connection. This included the ruling Akali Dal. In fact, none less than the number two man in Mr Barnala's cabinet, Mr Balwant Singh headed the team which met the Jathedar twice at his residence in Zirakpur. The other members of Longowal team were Mr Sukhdev Singh Dhillon, Mr Harbhajan Singh Sandhu and Mr Surjit Singh Sukhi. All three have since sworn allegiance to the Unified Akali DAL.

Balwant Plays This Game

It was in pursuance of the earlier cordial relations with the Jathedar that the Chief Minister constituted an 11 member committee to meet the Jathedar after the edict was issued. An over exuberant youth brought out a poster the next day that if the 'Longowal committee' dared to enter the Golden Temple Complex it would be responsible for the consequences. The Akali team, it seems, then decided to return to Chandigarh. A

couple of days later the Chief Minister sent the Advocate General of Punjab, Mr Gurdarshan Singh Grewal, along with Mr Balwant Singh to explain to the 'Ragi' the legal implications of his move. They had a 90 minute meeting with the Jathedar at the Guru Ram Das hospital in Amritsar where he was convalescing but nothing came of it since the Chief Minister had already been excommunicated. Even as these developments evoked a national debate on the role of Akal Takht in a democratic political structure, Mr Balwant Singh, who had earlier sought the Jathedar's help to topple Mr Barnala and himself emerge as the Chief Minister, continued to play his politics. He gave a written undertaking to the Akal Takht Jathedar that he was offering his services to him along with 19 other legislators. However, when pressure built up from within the party and Mr Balwant Singh

was pulled up by Mr Arjun Singh in New Delhi, he fell in line with his party (and made the most vocal speech at Longowal).

Longowal Convention

At this juncture the Dal geared up to organize its convention at Longowal. Supported by the Congress (I), the Akali Dal managed to mobilise some two lakh persons. But unlike the impression it created that the convention had massive Sikh support, the crowd at Longowal was not an Akali crowd. It is also believed that non-Sikhs camouflaged with turbans were also brought in tracks to attend the convention. That was the reason why the response to the Sikh battle cry time and again was uninspired. Even though people came from as far as Faridkot and Ferozpur they did not shy away from stating that many of them had come under pressure from village officials. Mr Barnala did succeed in creating a facade of mass support with the government mass media faithfully doing its bit. A special air-

Continued on page 14, col 4



Religion, Politics and the Air Force: Surjit Singh Barnala lands at Longowal village with Patna Sahib Granthi (left) and Hazoor Sahib Jathedar (right).

Photos: Punjab Bhawan, New Delhi.

The Prime Minister's Shadow Over Rashtrapati Bhawan

Rajiv Gandhi Flouting Established Conventions

Satindra Singh

Not once in the history of the Indian Presidency has the occupant of Rashtrapati Bhawan been treated so shabbily as President Zail Singh during the last two years or so. He is neither informed about nor is he consulted on the burning issues of State either by Prime Minister Rajiv Gandhi or his cabinet colleagues. An informal ban imposed on his visits abroad, was withdrawn only in October last.

The Giani has been periodically

present ruling party during the freedom struggle. The British, who made no pretension of being democratic, substantially diluted the provision in the end.

The chapter and verse quoted by Shourie unmistakably betray the "hidden hand" of some one high up in the Government. But for this, Shourie would not have been able to quote the date, number etc. of the file pertaining to the Bill which Giani Zail Singh, as the Union Home Minister, wanted to move in Parliament for

over in the last week of July this year.

Courtesies Denied To Giani Zail Singh

Although Pandit Jawaharlal Nehru had fundamental differences with President Rajendra Prasad on questions of ban on cow slaughter and the Hindi Code Bill, he never failed to show due courtesy and respect to him as Head of State. After the Chinese aggression in the autumn of 1962, the then President, Dr. S.

shown these elementary courtesies by Prime Minister Rajiv Gandhi; in fact, he is deliberately ignored, even roundly insulted. It is common knowledge that since he was sworn in as Prime Minister on October 31, 1984, Mr Gandhi has called on the President only on a few occasions. All these meetings lasted less than 15 minutes and were largely confined to small talk. Not even once has Mr Gandhi called on the President either before embarking on a foreign tour or after his return from it — a convention scrupulously adhered to by his mother as well as his grandfather.

Although the President has received more than 40 invitations from as many countries to pay a goodwill visit, the Union Cabinet has cleared no more than four so far. All these invitation have been either "usurped" by the Prime Minister himself or have been got transferred to the Vice-President, Mr R. Venkataraman.

Vicious Campaign By Congress-I

Apparently not content with slighting the Giani in this circumspect manner, a well-orchestrated vicious campaign was launched against him by Prof K.K. Tiwari, now a Union Minister of State for Public Enterprise, in early 1985. **Prof Tiwari alleged that Didar Singh Bains, Ganga Singh Dhillon and Yogi Bhajan, who were spearheading the pro-Khalistan movement abroad, had enjoyed presidential hospitality at Rashtrapati Bhawan at one time or other.**

The charge was not only totally unfounded, but the deliberately suppressed information was, in fact, more germane to the issue. In the first place, these gentlemen had not stayed at Rashtrapati Bhawan during their sojourns in India. Secondly, they had not only called on the President, but had also met Mrs Gandhi and Rajiv Gandhi. Lastly,

some of them had started helping the pro-Khalistan elements abroad only after Operation Bluestar.

Another significant piece of misinformation deliberately dishevelled out by Prof Tiwari was that Yogi Bhajan had cast his lot with the anti-India elements. This was a blatant lie. The Yogi had condemned the pro-Khalistan elements even in more trenchant terms than he had criticised the Government of India for the army action against the Golden Temple.

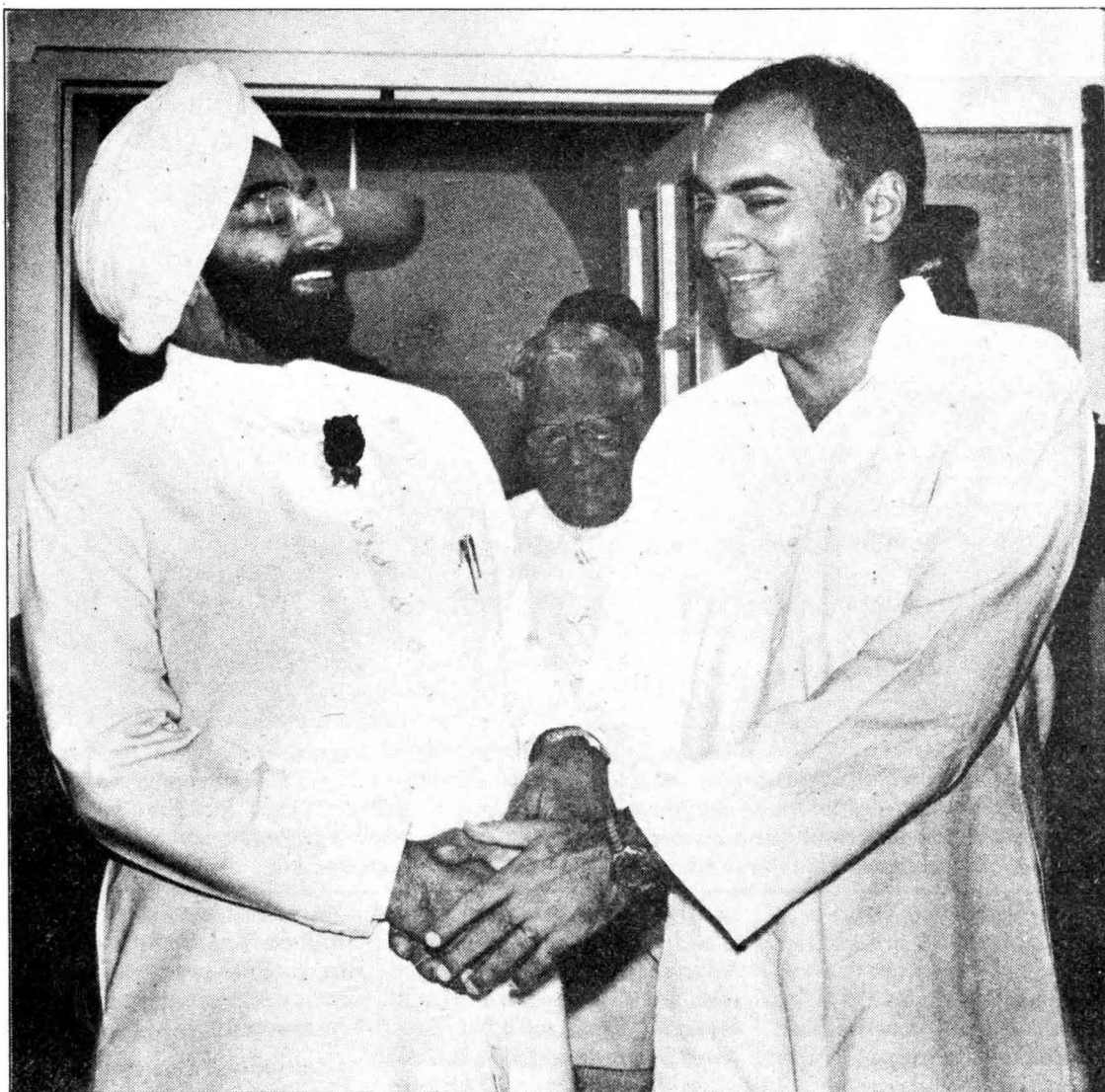
It was the same story regarding Giani Zail Singh's involvement in Punjab affairs. He was accused by the then Punjab Chief Minister, Darbara Singh, and his minions of frustrating their efforts to deal with Sant Jarnail Singh Bhindranwale and his armed bands by his Machiavellian machinations. The stark reality, however, is that he was never consulted by Mrs Gandhi on the Punjab problem either when he was the Union Home Minister or after he became the President. Rajiv Gandhi has scrupulously followed his mother's policy ever since he became Prime Minister on the fateful day of October 31, 1984. Being unequal to the job, having reached the limit of his incompetence, and having alienated almost all his party members by his highly suspicious and authoritarian nature, Darbara Singh had found a convenient whipping boy in the Giani for all his administrative and other failings.

Had the Punjab problem been only an extension or continuance of the Giani Zail Singh — Darbara Singh feud, it would have been solved either soon after the latter's unceremonious dismissal on October 5, 1983, and more especially, after the installation of the Akali ministry headed by Surjit Singh Barnala, nearly two years later. But the situation has, in fact, sharply deteriorated since then. All this makes the allegations levelled against the Giani sound hollow, unfounded and malicious.

The Real Trouble After Bluestar

The real trouble started when the Giani bluntly told Mrs Gandhi that Operation Bluestar, which was master-minded by Messrs Rajiv Gandhi, Arun Singh and Arun Nehru, was a Himalayan blunder pregnant with catastrophic consequences for the country. His refusal to heed Mrs Gandhi's advice not to visit the Golden Temple within a few days after the army action is said to have made

Continued on page 11, col 1



humiliated and insulted by ruling party members levelling unfounded charges in the two houses of Parliament and by deliberately leaking out information which was likely to embarrass him. The most recent instance is the diatribe written against the President by Arun Shourie, the Executive Editor of the *Indian Express*. Arun Shourie took him to task for his refusal to grant approval to the highly despicable Postal Bill which he (the Giani) had "fathered" when he was the Union Home Minister some five years ago.

Under the Bill, the *dak* of any citizen can be opened, studied, and withheld by Government minions without the knowledge of the addressee. It is worth recalling that a similar, though much less obnoxious provision was literally opposed by leaders of the

approval.

It was sickening to find Shourie, the self-acclaimed defender of civil liberties, personal freedom and privacy, in the role of an aggressive purveyor of a policy aimed at totally demolishing all that is imperative for the unimpaired operation of the rule of law and democratic processes in our country which is still overburdened with feudal vestiges.

No doubt, the "exposure" put Giani Zail Singh in a highly embarrassing position, but it also exposed that Shourie's commitment to democracy was no more than a ploy for self-advancement. This surreptitious attempt of the Government also demonstrated beyond a shadow of doubt that the Giani is being suffered and made to suffer in Rashtrapati Bhawan until his statutory term is

Radhakrishnan, and Nehru did not see eye to eye on several questions pertaining to foreign policy. But Nehru continued to extend customary respect to the learned Professor.

Even Mrs Indira Gandhi, whose antipathy towards the then President, Mr N. Sanjiva Reddy, was well-known, never ignored his presence in Rashtrapati Bhawan. She showed him due courtesy and respect as demanded by the august office he held. Although Giani Zail Singh was her protegee in more than one sense of the term, Mrs Gandhi made it a point to call on him at least once a week to discuss with him important matters of state. She also always paid him a courtesy call both before leaving on a foreign tour and after her return from it.

Giani Zail Singh has not been

Arun Shourie



Hamara Shahar was Best Non-Feature Film of 1986

A Word From Producer-Director Anand Patwardhan

In March 1986 when it was announced that *Hamara Shahar: Bombay Our City*, a documentary film on the daily battle for survival of Bombay's slum-dwellers, had won the National Award for best non-feature film of the year, Vimal Dinkar Hedau, a resident of Shastri Nagar, Bandra West, like other slum-dwellers of Bombay, did not get the news. When I first interviewed her in my film in 1983, her hut had just been demolished. It had not been the first time. Having nowhere else to go, she, along with her son Deepak, had remained in the vicinity of her demolished home, and had reconstructed her rudimentary hut.

In the interview she had said: "Why don't they demolish the illegal high-rises? Because they are paid off. The poor cannot pay. We are here only to get beaten". In early 1985 when she saw the completed film *Hamara Shahar*, she had tears in her eyes. "Now they cannot ignore us", she said. She was wrong. Her hut has been demolished three times since then.

In March this year, when news of the award finally reached Sanjay Gandhi Nagar, Cuffe Parade, the slum-dwellers organized a felicitation ceremony for me. The flower garland they gave me was the sweetest prize I have ever received. Two weeks later their



huts were demolished.

I debated with myself whether to accept this national award in view of the continued state sponsored violence against the urban poor of our country. The urban poor are an extension of the rural poor. Everywhere they are victimized. Everywhere they resist. Everywhere their voice is sought to be suppressed. *Hamara Shahar* is a film in which slum-dwellers speak for themselves. Their voice must not be denied.

As a member of Nivara Hakk Suraksha Samiti, I decided not to reject the national award but to accept it as a welcome sign that there are ears in this country. And if there are ears it is our democratic duty to speak in as many forums as possible.

But we reject the concept of films being given awards for aesthetic and technical reasons alone. To us, the award has meaning if it reflects an understanding and appreciation of the issues raised by the film. It must be seen as an award given in recognition of the intelligence and courage of the working poor of our country.

To symbolise this, Vimal Dinkar Hedau—who once belonged to a farming family in her native village in Yeotmal, but moved 18 years ago to Bombay when her land was usurped—has been nominated by us to accept the

national award from the President of India. A part of the prize money will be utilized for our Nivara Hakk Suraksha Samiti — The Committee for the Protection of the Right to Shelter, an umbrella group for Bombay's slum-dwellers.

Vimal Dinkar Hedau

Vimal was born roughly in 1936 in Borgaon village, Yeotmal. Her father died when she was 12 but left his wife some agricultural land. Vimal, an only child, did not grow up in poverty. She studied up to the 7th standard — a rare thing for village girls in those days.

When she was 15, she took a three year nursing course at Irwin Hospital, Amraoti and was granted a Nurse Certificate of Registration in 1954. She then took a midwife training course at Mayo hospital, Nagpur, between 1954 and 1955, earning a certificate there as well.

In 1959 she was married to Dinkar Hedau, in 1960 and 1962 her sons Deepak and Sanjay were born. But later in 1962 after continuous maltreatment at the hands of her in-laws, Vimal left her husband to return to her mother's village. She recalls the night she left in the pouring rain with her two children and describes how her nurse's certificate

Continued on page 15, col 4

Gurudwaras, Community Life, And Politics

Madhu Kishwar



In the minds of most non-Sikhs, gurudwara politics has become synonymous with bitter factional struggles over the control of vast resources. Undoubtedly, the happenings of recent years to some extent confirm this view. However, we must understand that Sikhs have another vision of the function of the gurudwara.

Gurudwaras were envisaged as a *sanihasthan* (common place) for members of all communities: Hindus, Sikhs, Christians, Muslims, all have an equal right of free food (*langar*) and shelter. Therefore, a *gurudwara's* role in society was conceived as a place where common aspirations of the community, irrespective of religion, should find articulation. But then, how does one define common interests? The most thoughtful and inspiring answer to this question was given to me by a 90 year old Sikh communist from village Dhanaula. He, like many others, came to the Communist movement through the Akali movement. I give here a summary of our conversation on this subject:

Do you think *gurudwaras* should be used for political activity?

Yes, if the political struggle is for the common good of the

community.

How does one define common good?

That which unites the communities rather than causes inner dissension.

Let's take some examples. Do you think it was justified to conduct that struggle against the Emergency from *gurudwaras*?

Yes, because the Emergency violated democratic rights of all citizens, irrespective of caste or creed.

Would you endorse *gurudwaras* being used in an anti-Congress (I) struggle?

No, that would be wrong because that would offend the section of the community which is pro-Congress. The *gurudwaras* should not take part in any struggle against particular individuals or groups, but focus on issues strengthening the common rights of the people.

What about the struggle for water?

I would consider it legitimate if

gurudwaras took up this issue, because water is for the good of everyone.

Then what would you say about the struggle of the

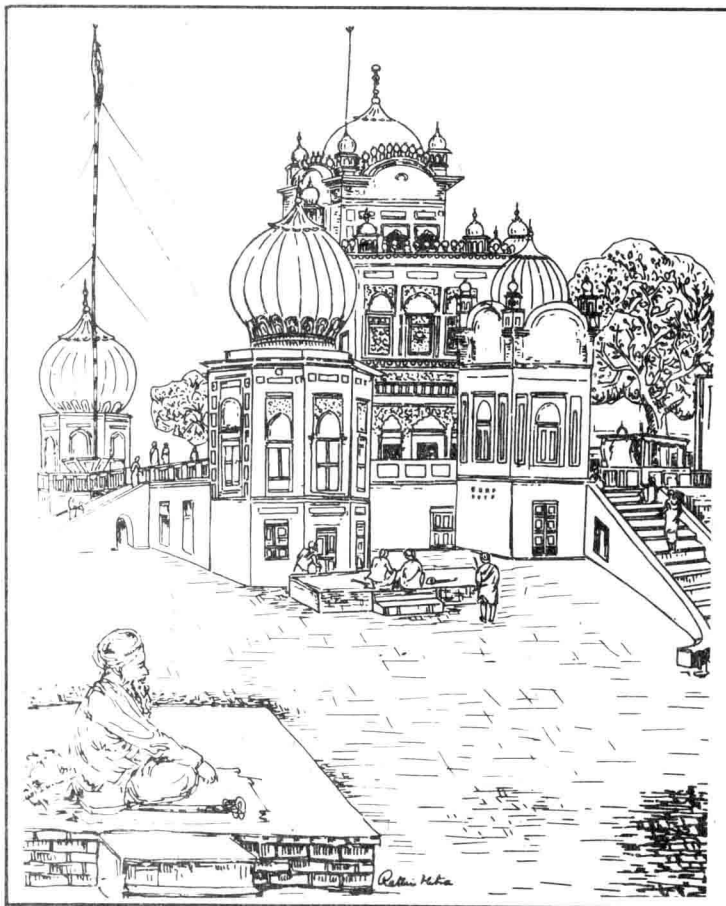
landless poor against the rich peasants? Should *gurudwaras* be involved in such struggles?

At this point, this grand old man who had spent practically

all his life fighting for the rights of the disadvantaged sections of rural society kept quiet for a while. I thought he had not understood the question so I repeated it. He asked me to be patient while he thought it out. He seemed in a real dilemma and kept thinking for a while before he replied:

No, this issue, however legitimate and necessary it may be, should not be brought into the *gurudwaras*, because it will split the community. Those who want to fight on these issues have to form other platforms and organisations outside the *gurudwara*. In the *gurudwara*, we should only fight for the common rights of the people, rather than fighting against any group. Otherwise, the *gurudwaras* cannot function as *saniha sthan* promoting *sadbhavana* (good feeling) between different communities.

Just as the martial tradition and the tradition of non-violent resistance to injustice have been two equally strong trends within the Sikh tradition, so has this human vision of the role of the *gurudwara* constantly co-existed as a strong urge within the Sikh community, even though there are powerful vested interests which have tried to convert *gurudwaras* into a battleground for sectarian interests.



A First Book of Verse

By Srimati Lal

In her first book of verse *The Window and other poems* (Writers Workshop, Calcutta: 1986, p.84, Rs.60/-) Srimati Lal has collected poems written over a decade, which, as she explains in the dedication "are stages of personal growth and should speak for themselves". It is with interest and enjoyment that one follows the writer's experiments with structure, with metre, with expression.

In the piece that gives this attractively produced slim volume its title "The Window", not a poem, but described as "a dialogue", one of the two characters says "...because of the way in which my speech discovered power, my new words

*Between the potency
And the existence
Between the essence
And the descent
Falls the shadow
For thine is the kingdom, Man.*

But the walls of the convent remain in the background.

The dialogue "The Window" seems to be the writer's experimental piece for the stage and according to the dedication must have been inspired by conversations with close college friends. It is almost poetry in prose, the precursor perhaps of future dramatic experiments by the writer, for it has a dramatic intensity which grips the reader. But at the same time it has a sense



ONCE, IN A DREAM

rushed forth, flashing lights...". This is what the poet seems to be doing discovering the tool of words to create images, to communicate with herself, and with others. But the rush of words is controlled, disciplined, both in form and in emotion.

The poems reflect many moods. "Loreto Remembered" is nostalgia:

*Those mystic afternoons
Within your walls, with music soft
Adrift from distant pianos
Mirage like, would end too soon.*

This is one of the earlier poems, in the section "Within Convent Walls". In the same section, the later "The Hollow Women: Eliot Remembered" is stronger stuff:

*Between the desire
And the spasm*

of incompleteness.

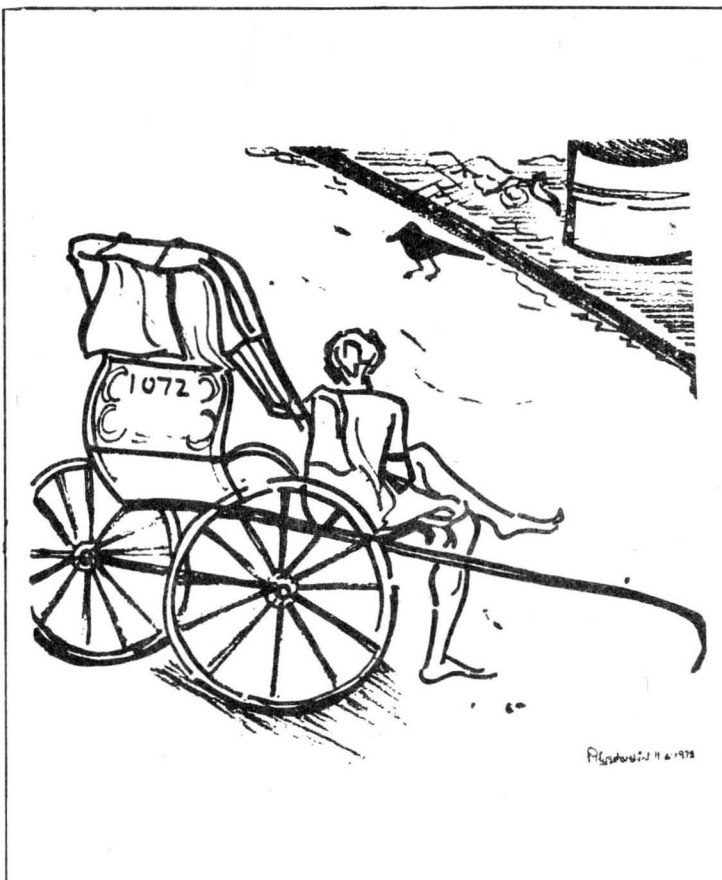
Feminist Love

The second section "Feminist Love: A Progression" has a good share of romantic poems like "Sweet Nothings", "Once in a dream", charming, full of images:

*Your smile
Is sweet
As flowers wild on mountain
paths or
Seeing the sun and moon
Locked tight inside a traffic light.*

Some poems have a chiseled quality; they strike one by the sheer economy of words. "And Yet" is perhaps the best example. Others, like "Street Song of Esplanade wayfarer" from the "Calcutta Streets" section, seem too much on structure for effect and become too self-conscious, too laboured:

Or do you prefer concealment



*That cheats
That hides
That lulls to sleep of death
With peacock feathers
Morning eyes?*

But poems like "The Dreamers" hold the promise of what Srimati Lal's next book can bring. She has a memorable turn of phrase. In "Disillusion" she talks of "When all of life was just One afternoon of friends", and where her imagery is at its best is in describing everyday things — in "Whispers of Summer" she describes a classroom

*Whispers of summer sweep
through a classroom
Of bowed heads
Swift hands to paper, and silence
Lines linking lines of loveliness*

*A fly struggles: trapped
Between doorpane and sky:
in "Holi"*

What happened to-day?

*The usual: each man was a
Krishna
To some street-corner giggling
Radhika
In arcadian disarray*

and the spirit of Holi comes alive. As does Rushoti in "Rushoti revisited, College Street: An absurdist recollection".

The Last section of the book "Another World" are poems of a very different mood: John Lennon, Rupert Brooke, the Romanoffs and Siberia and the final trilogy to Latin America. These last three are the most powerful in the collection, perhaps because of the strong political overtones. "For slain nuns" the "Palm leaf-crowned clay dolls by morning Mutilated beyond mending The party over, could take its place in an anthology of political verse. "In the Marketplace" captures all

the desperation and injustice the poet seeks to convey, and "Festive Spirit", written after the 10th International Film Festival is a fitting epitaph for the "Authority" which rules such events! The writer, according to her bio-data, is a 'film-buff' amongst her other talents and the poem comes from the heart.

The book is illustrated by the author herself and the five drawings add to the charm and interest of the work.

Harji Malik

AND YET

*And yet
tense
as springing leaf
towards
sun
this
our movement
now,
when voices touch:
as
sudden light touching leaf,
leaf
and sun
bright
are one*

THE DREAMERS

*days...
They pass so quickly now:
Smiles
And tears mingle,
Sand
Through my fingers
The lakes
Have swallowed
Our silences
Our vows
And our dreams, too
It seems:*

FOR SLAIN NUNS

*Let us remember
You left silence behind
To feel the pulse
To touch the earth:
Took off your veils,
Sun-untouched virgins,
To feel the pain
Of serving:
You were strong...
See the dead maids all in a row,
Silent, so silent now,
Beneath this Christmas sun:*



MADONNA OF THE ROCKS

Art and Music Reviews by Ajeet Caur

Abu at Aurobindo with Shammi and Meera



Abu Abraham needs no introduction. He has been creating his own world and ruling over it for decades now.

Abu's world is the world of cartoons.

To my mind, Cartoons are not just a sprinkling of salt and pepper or 'mirch-masaala' on the dreary, tasteless dish of news that the newspapers dole out each morning to all of us. They are strong, mostly unmali-cious, comments on the social, political, economic and sometimes even legal conditions that surround us. They no doubt add spice to the statement, but the spice is not mere seasoning. Apart from humour (which can at times be very malicious and black, for instance when Churchill answered a question about the queen of Tonga as she passed in a procession during the coronation of Elizabeth II: "Is that small gentleman in the admiral's uniform the queen's consort?" "I believe he is her lunch".). Cartoons give us another dimension, concise and crisp, of the problems enveloping and affecting us in a sinister way.

Saul Bellow's words can be very aptly used to describe Abu's powerful cartoons, currently at view in the newly opened Aurobindo Gallery being run by the seasoned gallery hand Shami mendiratta, perhaps the only Sikh running a professional gallery in India. When I say he is 'seasoned' I am not only referring to Gallery Aurobindo, I am also talking of Gallery Chanakya that Shami had been running very successfully of almost a decade.

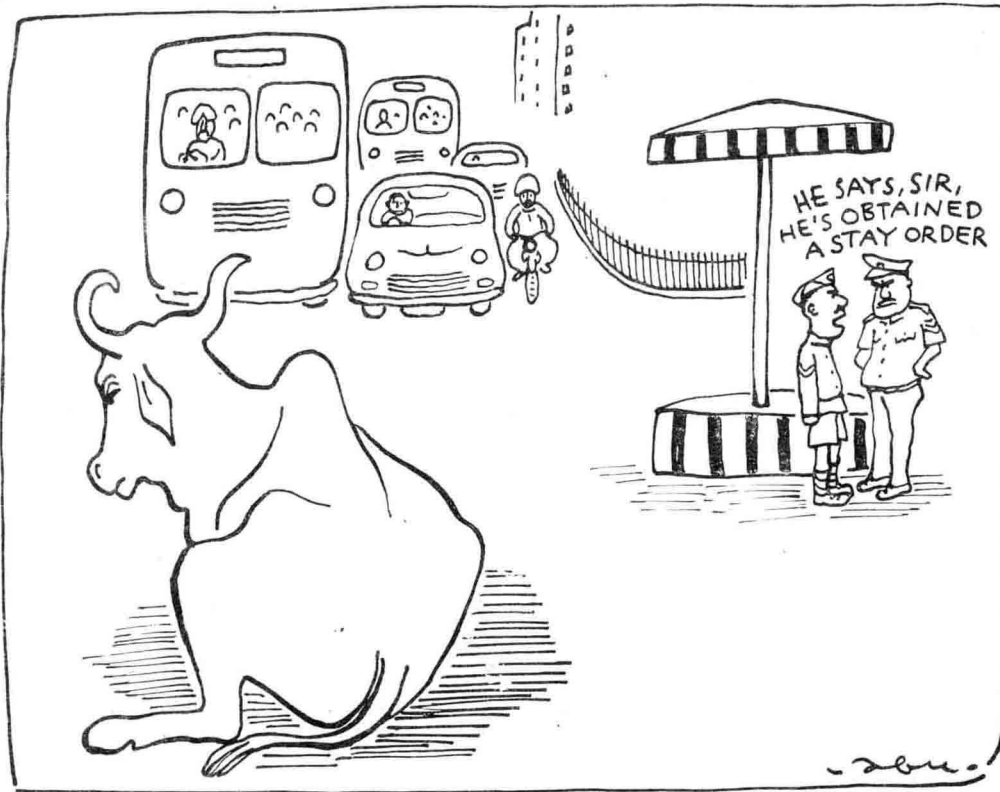
Among the most 'delicious' of Abu's cartoons I can mention the one with a bull sitting in middle of a road, and the traffic jamming up; one traffic cop saying to another "He says, sir, he's obtained a stay order". Another one shows a door with Rajiv Gandhi's nameplate, and outside is a long queue of pot-bellied men, mostly with their walking sticks, with faces of an owl, a lion, a cat, a fox, a rabbit, and a dog. The fox-faced man tells the rabbit-faced: "He's new, to politics — he needs help".

And yet another cartoon shows you the Statue of Liberty, saying "Your engineers, your doctors, your scientists are most welcome. Send your other exports elsewhere".

The exhibition is a real delight and certainly worth a visit. Gallery Aurobindo: 78 Aurobindo Place, Hauz Khas, New Delhi 110 016.

Festival of Punjabi Classics In Music

It was the soft-spoken and elegant Anita Singh, well-known in Delhi's music circles, who first thought of projecting Punjab as the land of a great music tradition. Last year her efforts fruitified with the help of the Punjabi Academy and she organized a music festival



from Punjab, co-relating it with the Bi-Centenary of Baba Jassa Singh Ahluwalia.

The Festival was a roaring success. It was also significantly juxtaposed to the run-of-the mill, third-rate, so-called Punjabi theatre of Sapru House variety, and gave an entirely new view of Punjab's rich cultural tradition, refuting the general belief that 'Punjabi culture is merely agriculture'.

This year the musical fare was presented by Ustad Munnawar Ali Khan who belongs to the Patiala and Kasur Gharanas of Punjab, and is the son of the all-time great Ustad Bade Ghulam Alai Khan Sahib. He sang a 'Khayal' in Raga Basant, and then a Thumri and a Multani Kafi.

The most delightful were perhaps the famous Singh Bandhus:

Tejpal Singh and Surinder Singh, the foremost disciples of the late Ustad Amir Khan Sahib. They sang two Bandishes in Raga Malkauns and then Shabads from the Japji Sahib. Their lyrical renderings were soul-stirring and had that peculiar fragrance which keeps lingering for a long time in the corridors of your soul.

Though Pandit Laxman Krishnarao belongs to the Gwalior Gharana, he sang, besides *heyals* in Raga Purya and Bihag, 'Tappa' which is a unique contribution of Punjab to Indian classical music.

The fourth participant in this two-day Festival at the India International Centre was Smt. Malti Gilani who has been a disciple of Ustad Bade Ghulam Ali Khan Sahib. She sang Khayal in Raga Purva Dhane-Shari and a compo-

sition in Raga Sohni, another significant contribution of Punjab through Banna Khan of Nangli who had learnt the new art form from Haddu Khan and Hassu Khan of Gwalior, and as in turn taught and trained many stalwarts like Bhorey Khan, Maran Baksh, Pyare Khan and Machar Khan. At the same time 'Jarnail' Ali Baksh and 'Kaptan' Fateh Ali of Patiala became disciples of Tanras Khan of Delhi, and took the new art form to Patiala, laying the foundation of the Patiala Gharana of music.

"Another family of musicians took this 'Khayal Gayeki' to Sham Chaurasi, the most famous of whom are Nazakat Ali and Salamat Ali, now, residing in Pakistan. Other well-known 'Khayal Gayeks' of the Punjab were Milan

Jan Khan and Allahdeya Khan 'Meherban', Pandit Dalip Chandra Vedi and Pt. Hussan Lal.

"Another pupil of Tanras Khan who branched off to Kasur was Peer Baksh Khan who introduced the new style there. Among the pupils were Ali Baksh Khan and Kaley Khan, father and uncle of Bade Ghulam Ali Khan. It was Ustad Bade Ghulam Ali Khan who gave this 'Gharana' the final shape by which it became known and appreciated. His brother Barkat Ali Khan was also a well-known singer. His son Munawar Ali Khan is today carrying the mantle of his forefathers with distinction.

Punjabs' Creative Genius

"The creative genius of the people of the Punjab has contributed significantly to the classical Music of India, with compositions of great beauty which are unsurpassed in their lyricism and vitality. The Punjab has given some Ragas to Indian Classical Music which are today among the most popular. Kasuri Bhairavi, Sindhura, Sohni, Abhiri, Tankeshri, Bhairon, Malkons, Malsri, Multani (by the Sufi Mystic Sheikh Zakariya) Jai jaiwanti (from Kohwari, a Sindhi folk tune) Jogiya, Asa, Kafi, Pahari Sorath and Vadhans are among the most well-known.

The oldest Festival of India is the Harvallabh Festival of Music held in Jullundur for the last 106 years. Tappa, the most difficult form of singing was composed here by Mian Ghulam Nabi Shori. The greatest tribute to the Punjabi Kheyal is that Shah Sada Rang and Ada Rang have composed Kheyal Bandishes in Punjabi.

Dangers of 'Delhi Dallying' in Punjab

Punjab is witnessing the battle of "Amrit Prachar" as Professor Darshan Singh and Mr Barnala fight for the hearts of the Sikh masses. This is a tragic development in all ways, and a dangerous one, because a purely political war is being waged under the guise of preaching the Sikh religion.

"Separation of religion and politics" is the latest catch phrase in Indian politics. As a nation we love catch phrases and they tend to become an excuse for inaction. The Prime Minister has spoken with great fervour on this theme in Parliament. There is a danger that the Punjab crisis will be made part of this larger canvas. Let us hope not. For, that would encourage even greater drift, and events are moving too fast in Punjab to allow this.

The President has praised Mr Barnala for his courageous "secular" stand. But one hears nothing about the immediate steps that must be taken to strengthen Mr Barnala to help him "sell" his secular version of Akali politics to the Sikh community. These measures have been spelt out by the beleaguered Chief Minister time and again. They include the release of those in Jodhpur Jail, the transfer of Chandigarh, equitable agreement on the distribution of Punjab's waters. But the Centre is silent, except when it comes to passing the entire blame for non-implementation of the Punjab Accord to the State government.

Unless positive action is taken in these matters, the ruling Akali Dal, which, according to the government and the media, is fighting the country's battle against the communal and extremist forces, is left unarmed. And as Mr Barnala's sometimes reluctant Lieutenant, Mr Balwant Singh, admits, this is a grim battle, which has only just started. His warning that the euphoria in Delhi after the Longowal meeting, and the complacent perception that the battle has been won, are far from reality, appear to have been ignored in the corridors of power. The Haryana election remains the decisive factor in what passes for "Punjab policy" there, though what that policy is appears to be a jealously guarded secret.

The realities, both the situation in Punjab and of the perceptions of Sikhs all over the country, play no part in this "policy". Punjab watchers of various hues confirm that while an increasing number of Sikhs seem to be increasingly unhappy about the killings of innocent persons, and even more are silent through fear, the dominant emotion remains their anger and resentment against the Central government and the repression by paramilitary forces — the failure to take disciplinary action against rampaging CRPF personnel in Brahmapura comes up in every conversation — the fake encounters and the continued harassment of Sikhs which has become routine. Unless the provocations are removed, partially at least, there is little hope that the silent majority will isolate the extremists.

Sikhs in and outside Punjab have lost all faith in the Centre. That is the crux of the matter. And they have good cause. Ruling Akali Dal leaders claim that after the signing of the Punjab Accord, when Sant Longowal discussed the release of the Jodhpur detenus with the Prime Minister, the latter stated that there were cases against only 67 out of the 269 persons detained. Now, suddenly, the government says that there are cases registered against all 269. The question is when and by whom were these cases registered? And why has the government come out with this information only now?

The Misra Commission Report with its failure to reveal the truth about the November 1984 carnage adds to the bitterness. This again has confirmed widely prevalent Sikh apprehensions that they can expect no justice from this government. It has fuelled the extremist propaganda that Sikhs have no place in India, that as a minority they cannot live here with honour.

Professor Darshan Singh's diatribes against the Centre are being reported daily in the press. As he addresses his audiences in the cities, towns and villages of Punjab, he has behind him the immense authority of the Akal Takht, which should not be under ese raised in Sikh minds about the present events. His battle for the minds of his listeners is being strengthened by the failure of the Prime Minister and his advisors in Punjab to counter attack with a programme aimed at restoring the credibility of the government's desire for a just and honest solution to the Punjab dilemma. If the Rajiv Gandhi government continues to play politics in Punjab, the battle may indeed be lost, by default. Haryana may be won, and may be not. But of defeat in Punjab there is no doubt.

JUSTICE MISRA'S

Harji Malik

On March 2 at the Boat Club, Delhi's Hyde Park, the Ragunath Misra Commission report was symbolically burned in the presence of widows from Tilak Vihar, widows of the November 1984 carnage, many of whom had deposed before Justice Misra in the hope that justice would be done. The act reflected the contempt, anger and bitter disappointment of the victims. And of the Sikh community as a whole. For, as had been widely feared, the report, evasive, in places factually incorrect and suppressive, as it has turned out to be, has alienated the community even further. The extremist elements will welcome it for it reinforced their consistent claim that Sikhs can expect no justice from this present government.

Even more important and distressing, because of the basic issue involved, is the Inquiry's failure to expose the whole truth behind the November holocaust. In this report (p.62-63) Justice Misra states "...unless the wrongdoer is punished, the social fabric is bound to lose its grip over the people living in the community and both fear and respect for the law are bound to diminish ... apart from the fact that the victims will go totally unsatisfied and this social failure will lurk in their minds for years to come and is likely to be misunderstood as a treatment of partiality, the wrongdoers would feel encouraged and get emboldened ... It is therefore necessary and the Commission is of the firm opinion that every wrongdoer should be punished in accordance with the law and every victim should have the satisfaction that the wrong done to him/her has been avenged in terms of, and according to, the scales of justice."

No one could have put it better. This is precisely what the victims and all those wanting to see justice done, had hoped Justice Misra would ensure through his findings. But this is not the case. On the contrary the victims are "totally unsatisfied", the "social failure WILL lurk in their minds for years to come", and the wrongdoers WILL "feel encouraged and get emboldened". The credibility of the state which permitted the rule of the mob for 72 hours in the national capital remains in question. True, the report has made the Delhi Police the scapegoats for the holocaust, and partially indicated the Delhi Administration. But Delhi is Union Territory, the domain of the Union Government, which remains in the dock, still unexonerated.

When Justice Misra accepted the Union Government's request to head this Inquiry, he assumed awesome responsibility: to restore the confidence of the nation in the capacity of the government to dis-

charge its functions even handedly and justly, to all section of its citizens in compliance with the secular mandate of the Constitution. The November 1984 carnage, with all its attendant savagery, leaving more than 4000 dead in Delhi alone, is a perpetual blot on the nation's honour. Only an honest, fearless, unbiased, complete investigation to expose the true facts of the violence, could have mitigated the nation's shame. To Justice Misra was entrusted the national conscience, the responsibility of restoring the faith of those who had been pushed to doubt the credentials of the state.

As it has turned out, it would have been better if the report had NOT been placed before Parliament, but had remained shrouded in secrecy like the Thakar Commission report. The anger then would have had less concrete focus. Perhaps H.K.L. Bhagat and his senior Congress (I) colleagues, ex-M.P.s Sajjan Kumar and Dharan Das Shastri among with the 10 Metropolitan and Municipal Councillors who figure in the list (of those named in affidavits) given to the Commission by the Delhi Gurudwara Management Committee, whom the Commissions has exonerated, would have had

provokes many question.

The very first one is why Justice Misra has chosen not to attach the CJC's submission explaining its withdrawal as an annexure to the report, although he had included the covering letter from Justice Sikri. This is an important and unfortunate omission because the CJC had raised many points relevant to the report. Then the page 3 the report lists the organisations allowed to participate in the Inquiry. It states that the Commission refused s Union for Democratic Rights and the People's Union for Civil and allowed the Nagrik Ekta Manch only limited participation. But no explanation is given why these organisations, which had carried out investigations IMMEDIATELY after the events of November 1984, and had a great deal of valuable information which could have helped to get at the truth, were disallowed.

Nor does the report explain why bodies like the Citizens Committee for Peace and Harmony, Citizens Forum for Truth and others, of which nothing was known earlier, and which have not been heard of after the Inquiry, were permitted. While it is acceptable, as Justice Misra has stated, that the Commission did not want to



Protesting Widows at the Boat Club

less cause to rejoice. But they would have had little company.

A Questionable Inquiry

From the very start, from the appointment of the Commission itself, doubts had been voiced about the government's motivation in finally acceding to the six months old demand for such an Inquiry. These doubts were aggravated when the terms of reference were announced, again when the Commission stated that proceedings would be held in camera, and further, when the questionable procedures being followed by the Commission came to light. But it was only when the Justice Sikri headed Citizens Justice Committee felt compelled to walk out of the proceedings, after eight months of close cooperation with the Commission, because it felt it was being denied full participation in critical areas of the Inquiry, that some light was shed on the proceedings. Now we have the report itself as supporting evidence and it

rely on the PUCL-PUDR report because it wished to carry out its independent investigations, it is curious that individuals, with unquestionable credentials who had virtually been on the spot, were denied the opportunity to assist.

Relevant or Irrelevant?

The report refers to interrogatories put to the Delhi Administration and the Union of India by the CJC (page 5), and states that in accordance with official objections from these two authorities, the Commission disallowed certain of these interrogatories as being "irrelevant", and others as concerning information which would not be in the "public interest" to disclose. From the CJC's submission document we know that these interrogatories WERE relevant. One of them was "What was the number of teargas shells in total fired by the police and paramilitary forces

Continued on page 9, col 1

BITTER PILL

(during the days of violence)? Another asked "how many tear-gas shells were fired in a Sadar Bazar riot" of a earlier date. The point that the CJC was trying to bring out was that, in fact, no teargas shells were fired in November 1984 to disperse the rioters as is usually the case in such conditions. How this information was irrelevant, or how it could be against the security of the state or against the public interest to divulge it, is difficult to understand. The opposite would appear to be true.

Press coverage attacked by Misra

Under the heading "Camera Proceedings" (Page 6), the report states that the Commission was "obliged to direct that the inquiry would be held in camera" because "persons connected with the CJC started giving wrong versions to the press." In actual fact, and the CJC corroborates this, Justice Misra had framed the regulations, including the "in camera" provision much BEFORE any hearing had taken place. When the first two hearing, in camera, were held, under the Commission's instructions, its Secretary gave press briefings after the session. It was following an alleged "leak" to the press, outside the briefing, that Justice Misra stopped all briefings and a curtain of secrecy descended on the proceedings, to be lifted only the CJC walked out.

Regarding Justice Misra's attack on Justice Tarkunde, a member of the CJC, for going to the press after the withdrawal (page 7), and his criticism of certain sections of the press for writing about the "in-camera proceedings against the Commission's directions, S. Sahay writing in the *Statesman* (Feb. 26) points out that Justice Misra should have known "that the procedure settled by a Commission of Inquiry binds nobody except the Commission and those who appear before it. A Commission of Inquiry is not a court of law." Therefore reports on proceedings commit no contempt. Sahay continues "It may so happen that the national interest lies in exposing the shortcomings of an Inquiry Commission while proceedings are going on." This would appear to apply to the Misra Commission.

Arbitrary Decision of Procedure. Justice Misra admits (page 7) that although cross examination of public officers, civil and defence personnel, was requested, the Commission did not feel it "expedient" to allow such a procedure. The CJC was one of the parties which requested that it be allowed to cross-examine the then Lt. Governor, Home Secretary, Commissioner of Police and others, convinced that their evidence was of the utmost importance considering that these individuals were responsible

for maintaining law and order. Justice Misra does not explain why such cross-examination was not "expedient" for he did allow such examination of other witnesses. In an Inquiry of such great public interest, when a highly respected group of persons such as the CJC wished to cross-examine, the Commission's arbitrariness leaves an unfortunate impression.

The same arbitrariness was exercised in selecting affidavits for recording evidence. Out of 2905 affidavits received, the Commission selected only 128 for recording evidence. Of the 2905 only 639 were in support of the victims. (page 3, Vol II) the CJC submitted that some of the affidavits it considered the most vital to the

comes to the conclusion that "... the riots at the initial stage were spontaneous and by way of reaction to the situation but later the riots developed into a set type. The change in pattern from spontaneous reaction to organised riots was the outcome of the take-over in command of the situation by anti-social elements." (He then describes how Satan too has a process.) "That is how" he goes on "... and in this sense violence in Delhi was indeed organised but such organisation was not by any political party or a definite group of persons but by the anti-social elements which ... is quite a formidable and powerful element in the Indian capital."

One is forced to ask the question: would Justice Misra have us believe that the real rulers of the capital are the anti-social elements, capable of mobilizing extraordinary resources, material



Boat Club protest by the All India Sikh Conference against the Misra Report.

Inquiry were excluded. Nor did Justice Misra explain the basis of the Commission's selection of affidavits. Further, the Commission's Investigating Agency investigated 30 affidavits (Vol. II Appendix "4"), again an arbitrary selection, and for some reason, the Agency did not investigate any affidavit which implicated H.K.L. Bhagat, named by many victims as being one of the main instigators of the mobs. In any case, since the highest number of deaths and the greatest brutality appear to have taken place in Bhagat's constituency, an area which is generally known to be his "pocket borough" and vote bank, it would have been expedient for the Commission to investigate charges against Bhagat with the greatest diligence.

Commission Clears Congress (I)

After having examined all the evidence, heard the eyewitness accounts of victims and other impartial observers, having visited the different violence hit areas in Delhi, and having held hearings in Kanpur and Bokaro, Justice Misra



and human, at incredibly short notice? And capable of failing the Administration and Police? Is Justice Misra unaware of the nexus between the anti-socials and the ruling Congress party, a nexus which emerges time and again in reports on the city? He has attacked the police strongly for their failure. He must be aware that again, repeatedly, there has been criticism of how much politicians, Congressmen, interfere with and often control the police. The *Indian Express* cartoon (Feb. 25) tells the story: The grinning well fed Congressman, Misra Report in hand, with his dog named "Police", nose to ground, the caption reading "LOVE ME KICK MY DOG".

In the face of a mass of evidence pointing to the critical role played by Congress (I) leaders, senior and Junior, and their henchmen, in the violence, how has the Commission totally exonerated the seniors?

The report fails to mention that their names are also included in the same Delhi Gurudwara Management Committee list in which are named the 19 lower level Congressmen whom Justice Misra has indicted.

Too Many Questions unanswered

The report raises many questions. While the Commission finds no sign of organisation apart from that by anti-social elements AFTER the first "innocent" reaction (the word "innocent" reaction (the word "innocent" is used on page 11), it does not investigate how identification of Sikh houses and shops, on such a massive scale, was effected so rapidly. Nor does it delve further into how the massive supply of iron rods, crowbars, kerosene and inflammable powder was made available overnight in widely spaced areas, how over a hundred gurudwaras all over the city became the first target of attack, almost simultaneously, on November 1, how transport, in trucks and often in DTC busses was organised on such a vast scale.

The report has a great deal of time to discuss education, manpower organisation and other matters, but it does not explore why, for the first time in communal riots in the country, places of worship were systematically attacked and the Granth Sahib desecrated. Nor does it explain how, the anti-social elements which it blames for almost everything, were able to stop trains at will, and travel to their destination, as well as murder

on the trains at will. These are only a few of the unanswered questions. The Commission does make some strange assumption. On Page 13 it says "In some areas the kerosene stockists were MADE to supply kerosene." Affidavits referring to the supply of kerosene do not state that there was any coercion. The general impression at that time, as anyone who talked to the victims in those early November days can vouch for, was that the kerosene dealers in most localities were offering stocks freely, both for arson and for burning the dead, or half-dead. Oil tankers also supplied kerosene. There is no mention of "coercion". One assumption, not made by the Commission, but by observers at that time, was that someone had paid for the kerosene.

Similarly, on the same page, the Commission states that "obviously" the rumour deliberately spread through the city that the Sikhs had poisoned Delhi's drinking water, was the work of "miscreants" as was the rumour about trains pulling into Delhi full of dead Hindu bodies. One could ask, why OBVIOUSLY? It would seem more likely that such rumours were the work, not of unorganised anti-social elements, but the work of interested, organised persons, wanting to inflame the anti-Sikh crowd emotions. Why did the Commission not proceed further?

There are many other points which deserve mention for this is not a brief report. On the contrary Justice Misra had taken time for philosophic references, has mentioned Marx, Huxley and others, has spent a good deal of time on arguing the meaning of the word "Organised" referring to several dictionaries.

Lacuna In The Report

Which is why certain omissions stand out so starkly. One is the Commission's failure to report that most of the 2266 affidavits filed AGAINST the victims were filed within the same short period of time, most of them in the same place. They were cyclostyled forms, using identical language with blanks left for the deponent's name. We have this information from the CJC's submission. Apparently the curious similarity of these affidavits, or the very fact that their number vastly exceeded the total of 639 affidavits of the victims, did not provoke the Commission into investigating fully how this happened.

Nor did the Commission follow certain important leads to the truth, one of the most noteworthy being the evidence of R.S. Sethi, who the Commission refers to as District Magistrate of Delhi, but who was, at that time, Deputy Commissioner. Sethi told the Commission that in his opinion the police "remained away from duty" during the violence because they were "under pressure". Asked to clarify what he meant by pressure, Sethi stated "I refer to local political pressure." In a matter so vital to the very core of the Inquiry no effort seems to have been made to follow this lead.

At the end of Volume I, in its recommendations and comments regarding the Mass Media, the Commission omits to mention the role of AIR and Doordarshan, both in the months leading up to the November 1984 and during the holocaust itself. Considering the critical part played by the government controlled mass media in both instances, comments would have been both relevant and valuable. For most people agree that Doordarshan's coverage in particular, during the November days proved to be an instigating agent in the violence, not least by its constant focus on Mr Gandhi's lying in state, and also in its failure to inform the public of what was happening in the city. When foreign TV teams and the local press were covering murder and arson, Doordarshan treated the Delhi happenings as non-events, a fact the report does not touch upon.

Continued on page 14, col 1

World Champions Who? India?

Suresh Kumar and Kumar Guha

Calcutta: The world cricket champions title which India won at Lord's in June 1983 is increasingly looking spurious. The residual of the World Cup was depleted further at the Eden Gardens in Calcutta on February 18 when Pakistan beat India by two wickets in the second of the six match limited overs series for the Charminar Challenge Trophy.

An Indo-Pakistan contest at sport invariably has an element of the electric. But over their last five meetings, it has invariably been a Pakistani who has come up with the kind of performance that has had a touch of class. Remember Javed Miandad's celebrated century in the final of Australasia Cup in Sharjah last April? The sixer he slammed off the last ball — an inswinging yorker by a neurotic Chetan Sharma — that brought victory to Pakistan? Remember that brave 60-odd runs by a till then unknown quantity called Mansoor Elahi? More recently, Elahi starred in Pakistan's three wicket victory over India at Indore in the first of the one-dayers in the ongoing series. But at the Eden that Wednesday, Miandad and Elahi were gone for next to nothing. If you believe that the hour

produceth the man, 3.38 pm saw Salim Malik walk out to join his skipper, Imran Khan, with Pakistan tottering at five down for 161 while chasing 239 runs.

Malik came in midway the 33rd over when the asking rate was around 11 runs per over. He launched himself into the attack with unhurried venom. First he close Maninder Singh. The hapless leftarm spin bowler was bowling the tenth and last over of his quota. The first ball was sent soaring over the midwicket fence. The second met with a similar fate; only, it travelled along the ground on its way past the boundary. A defensive push was then followed by an extracover drive for four, another followed past square cover before a defensive push brought Malik a single. Nineteen runs off six Maninder balls. The asking run rate climbed down to 9 runs per over.

Kapil Dev was hit to all corners for 16 runs and Malik had well and truly turned the match around. From a position where defeat stared Pakistan in the face (when Imran left, caught and bowled by Shastri, at 174 for the loss of six wickets), it was India that was taking up defensive positions.

Speaking to newsmen after the

match, the victorious Pakistan skipper said that he found Malik's innings truly "unbelievable". And so did the 90,000-strong spectators at the Eden Gardens. The fireworks that they set off at the fall of Imran's wicket seemed highly premature at that point. And premature it was, when Malik hit Kapil to the point boundary to take Pakistan past the 238 run mark.

All Is Not Lost

It is close to two years since India last beat Pakistan at cricket. And it has been two years too long. Indian captain Kapil Dev said after the match that it was not so much his batsmen or his bowlers that have let him down in the last two years when his team has lost five matches in a row to Pakistan. "To win, good batting, bowling and fielding are not enough. You need an element of luck to support your efforts," Kapil said.

All current international captains — with the honourable exception of the West Indies' Viv Richards — prefer to chase a target in one day cricket rather than set one themselves. Germane to his theory is the reasoning that by chasing a target, you have the advantage of pacing your batting

(scoring rate) because you know what target you have to get to. But by batting first you can never be sure what target you have to get to. But by batting first you can never be sure what target you would like your opponents to chase.

But all is not lost, Kapil asserted. "I have no business being in charge if I myself did not believe that we can beat Pakistan well enough to come back in the series. I think positively. And I am not giving up yet," he said, after Pakistan took a 2-0 lead. (NEWSSCRIPT)

More, Cricket, More Zia!

Trust Sunil Gavaskar to make a zero and get out first ball in the Jaipur Test. Being the first ever Test in the Pink City, Sawai Mansingh Stadium, it is another "record" by the little master. Statisticians must be digging into their record books to find out how many batsman have got out first all in a new centre's Test. Another

"scoring" point about the Jaipur Test was the attendance, on the second day, by the Pakistani President, Zia-ul Haq, who flew in with his "cricket diplomacy".

But if Gavaskar's fall in the first ball was at least hope of the Test coming alive, it was short-lived, with India going on to make 465 boring runs, Azharuddin getting his second successive Test hundred in this series and Ravi Shastri his seventh Test ton. Then, thankfully, came the rain gods and washed away a full day's play with Imran Khan throwing tantrums about not playing till the original "characteristics" of the wicket were restored. It seems the covers were not handled properly, causing the wicket to "sweat" and Imran felt it was wrong to make 465 and then make Pakistan bat on a damaged wicket.

Unless an ugly controversy blows up about the wickets, nothing will be done. As Imran said on Doordarshan, the home team preparing the wicket to suit its own needs is fair enough, but give cricket a chance. Let the team that plays better win, but no team should be afraid of losing.

As Raj Singh Dungarpur observed, "One needs captains with a positive approach, to produce results. Yes, wickets are partly responsible for dull cricket. Not wholly. The sad thing is neither India wants to lose to Pakistan nor vice versa."

The Jaipur Test was the tenth consecutive draw between India and Pakistan, and the third (out of three) in this series.

—NEWSSCRIPT

International Round-Up

Palestine - Syria - Lebanon - Libya - Iran

Even as the Palestinian refugees continued to starve in their besieged camps and the hostage crisis showed no sign of resolving, strife-torn Beirut witnessed its worst week of violence in three years with the casualty toll touching 170. Ranged against the pro-Iranian Shi'ite Amal militia in the latest street-fights were a combined force of Lebanese nationalist and communist groups.

The Syrian government, which has a strong presence in Lebanon, attempted to end the fighting but to little avail. On Wednesday, units of the Syrian and Lebanese army joined forces to try to impose a ceasefire between the two warring sides. The head of the Syrian military intelligence in Lebanon told reporters that he personally would lead efforts to end the clashes. Syrian special forces, part of several hundred who were sent to Beirut last summer, would be deployed with Lebanese troops in the main battle areas, he said.

It was also announced that — by mid-afternoon on Wednesday, a new ceasefire would be imposed by force, with the troops given orders to arrest or shoot gunmen still on the streets. The ultimatum, however, had little effect and clashes continued after the mid-afternoon deadline, the Amal losing out in some sectors. Corpses lay strewn in Beirut's war-ravaged streets along with burnt cars and ruined buildings bearing

witness to the violence.

The fierce battle only worsened the Palestinians' plight as the United Nations relief workers were unable to supply food to their camps despite the Amal lifting its three-month-long blockade. The blockade was finally lifted on Wednesday morning, with the Amal leader Nabih Berry yielding to outraged world opinion, pressure from the Syrian government and because of the currefighting. The fighting was, in fact, touched off by the blockade, leading angry Lebanese nationalists and leftists, allied to the Palestinian Liberation Organization (PLO), to attack Amal bases in Muslim West Beirut. Armoured vehicles and rocket launchers were used, and the clashes soon developed into a full-blown war.

The street fighting has overshadowed ongoing diplomatic efforts to secure the release of the one Indian and three Americans as well as Terry Waite, the Archbishop of Canterbury's special envoy, who disappeared four weeks ago when he came to Beirut to negotiate for the Western hostages. Meanwhile, there is still confusion about which group is actually holding Waite. Nabih Berry, on Tuesday, said he believed that Waite was still in West Beirut but not in the hands of the pro-Iranian Hizbollah group.

Some observers feel Syria may have ordered the envoy's

abduction in retaliation to London's sudden breaking-off of diplomatic relations with Damascus last year because of "conclusive" proof of Syrian involvement in an aircraft blow-up attempt at London's Heathrow airport. But the pro-Syria Druze leader, Walid Jumblatt, who had earlier pledged to have Waite released, said last Saturday (Feb 14) that the envoy was now in the hands of the pro-Iranian Hizbollah group. Summed up one Western commentator:

"The Terry Waite affair is only reflecting the growing Syrian-Iranian rivalry in Lebanon. A rivalry that is fought through each other's allied forces in that unfortunate country."

LIBYA: Gruesome Executions

Reports that Colonel Gaddafi faces the possibility of revolt may not be entirely untrue. On Tuesday, Libyan television showed live the gruesome execution of nine rebels who had allegedly plotted to murder Soviet experts working in that country, and analysts see evidence in the televised hangings of growing opposition in the military and among radical Islamic groups to Gaddafi's despotic rule.

The Libyan authorities said the nine executed were members of an extremist group which had killed many Libyans besides planning to murder the Soviets. The extremist group, Al-Jihad, is among other

radical Islamic factions in Libya which have criticized the government's close links with the Soviet Union, especially in the light of Moscow's involvement in Afghanistan. It was not clear from the television report whether any Soviet expert was in fact killed, though there have been unconfirmed reports of attempts on the lives of some of the estimated 3,000 Soviet civilians and military experts working in Libya.

Six of those executed, allegedly members of secret organizations opposed to the government, were hanged to death and the remaining three, all soldiers, executed by a firing squad. One of the three soldiers executed, according to the sentence read out over television, had planned to blow up the headquarters of the Soviet experts and assassinate Libyan officials. Two of the soldiers had taken part in the murder of two Libyans and had later tried to escape to Egypt. One of them, a corporal, was reported to be the "emir", or religious leader, of the Jihad group. The corporal was also accused of inciting or taking part in assassination and stealing weapons and explosives.

The hangings were apparently carried out in the Hall of the People's Congress in the eastern city of Benghazi. The condemned men were referred to as "heretics and enemies of God" and "hirelings of imperialism and

Zionism."

IRAN: The Ayatollah is offended

The Iranian authorities on Tuesday ordered two senior West German diplomats to leave the country after Teheran took offence at a satirical television film shown on German television. The authorities said the offending film is being viewed by Teheran as a hostile action which would lead to "fundamental decisions regarding relations" between the two countries.

The offending footage of the film showed women throwing their underwear at the feet of Ayatollah Khomeini, the Iranian leader, at a rally in Teheran marking the eighth anniversary of the Islamic revolution. The West German government has pointed out that it has no control over such television programmes.

However, Iran's reaction is causing serious concern in Bonn. The two countries normally enjoy good relations and recently the West German government was even seeking Iranian help to win the release of two German businessmen being held hostage in Beirut. The Bonn government has said it is not planning any retaliatory action against Iran's expulsion of the two German diplomats and has expressed the fervent hope that an apology by the presenter of the programme would mean an end to the whole affair. (NEWSSCRIPT)

The Prime Minister's Shadow Over Rashtrapati Bhawan

Continued from page 4, col 5

the trio livid at the intransigence of Mrs Gandhi's loyal squire.

But it must be said to the President's credit that he did not hold all this against Rajiv Gandhi when the testing time came. Rejecting out of hand claims advanced by the Union Home Minister, Mr P.C. Sethi, and some others to Mrs Gandhi's mantle, the Giani installed him in the Prime Minister's office on the evening of October 31, 1984, soon after his hurried return from Saana, the North Yemeni capital, without waiting for the Congress (I) Parliamentary Party to formally appoint him as his mother's legitimate successor.

Ironically, this was the beginning of the Giani's subsequent troubles. Soon after Rajiv Gandhi's installation, the President was virtually sidelined. Ever since he has been denied the courtesy and respect which is due to the high office he holds. The Prime Minister ignores him; Secretaries of the Union Government shun him; Governors do not take any notice of him; every one, who is some one either in the Government or the ruling party, emulates their behaviour for fear of attracting ire of the ruling coterie towards himself.

Old World Charm v/s Old School Tie

There are two main reasons for this unsavoury development. One is the cultural gap between the President and the new class of rulers. The President is a home-bred rustic who, despite the lack of formal education, has risen to the highest office in the land because of his unassailable loyalty to the party, his boundless common sense and his humane approach towards his friends and foes like. He exudes old world charm.

On the other hand, our new leaders are the product of a different milieu. Except for their obsessive belief in old school ties, they are ardent believers in cut-throat competition in which the winner takes all while the vanquished is left to eat dust. Loyalty, personal relationship and gratitude do not enter into their calculations. In fact, these are taboo.

Secondly, our rulers, who are products of public schools, have no patience or respect for one who is educated in the school of life. The latter's long experience does not count at all for them. What matters to them is acquaintance with high technology, which they regard as the panacea for all the ills of humanity.

But what has widened the chasm between the President and the Prime Minister is the "impression" created by some

news stories published in the first week of November 1984 to the effect that Mr Gandhi was the Giani's choice as Prime Minister. That some one should bestow any favour on the "heaven-born" Nehru-Gandhis is unthinkable. It is they who are destined to grant favours and it is their divine right to rule this country.

Presidents' Calls To Stop '84 Carnage Unheeded

This is one of the main reasons that during the anti-Sikh riots in the wake of the murder of Mrs Gandhi on October 31, 1984, by her two Sikh securitymen that the President's frantic calls to the Prime Minister and his cabinet colleagues asking them to call the army remained unheeded. In fact, he was politely but firmly reminded of his titular status. When he expressed his desire to visit the Sikh refugee camps, intelligence men put their foot down saying "they could not ensure his personal safety". His failure to render any help to his co-religionists in their days of dire need had virtually rendered him persona non-grata with them.

In spite of all the humiliation and insults hurled at him, Giani Zail Singh did not lose his equipoise. What is more, he resisted the pressure of thousands of co-religionists and well-wishers to resign on these two counts. He bluntly told them that his resignation would neither solve the Punjab problem nor would it ameliorate their plight. It would only help strengthen the forces of political destabilisation and secessionism. If nothing else, his resignation then would have put the new regime under an unbearable strain. One shudders even to imagine its catastrophic consequence.

But even such an angelic reticence on the part of Giani Zail Singh has failed to mollify the raw rulers whose understudies continue their campaign against the Giani, both in and out of season. Only recently, they managed to plant stories in the local Press to the effect that the President was masterminding the revolt of Old Guards in the party against the Prime Minister. The plaint but highly ambitious newsmen, obsessed with currying favour with the right people at the right places and at the right time, devoured them wholesale and broadcast the chewed cud in their newspapers and periodicals. They never cared if truth and political morality fell by the wayside by their wayward reporting.

In sum, the President, Giani Zail Singh, is more sinned against than sinning. He is caught between the crossfire of his angry and anguished co-religionists and that of our kindergarten rulers. He will remain besieged for another five months or so. One only hopes that he will tell the story of his presidential days after his release from the gilded cage called Rashtrapati Bhawan in the last week of July this year. ●

Human Rights Tribunal Meets in Arwal

Continued from page 1, col 1

family, with the help of the police, built a wall around the land and destroyed the huts. As a result, water started accumulating inside the houses. When the authorities refused to take action against the Razaks the people contacted MKSS.

On the April 19, 1986 the MKSS planted its flag on the land and broke the boundary wall. The police could not prevent them. Then the crowd moved to the Gandhi Library, to hold a meeting. The Judges followed the route and went to the police station which is right behind the Library. At the police station the Officer in Charge, Shri T.N. Ojha, was present. He had earlier told the Tribunal that he had received the request from the Tribunal to appear before it. He said the SP had instructed him to extend all co-operation.

Ojha showed the Judges a few country made guns and an old rusty rifle which he said MKSS had used to fire and attack the police station. The Judges observed that the rifle did not have spring. Ojha

Devi, the widow of Bharat Sao who had been dragged by the police and killed inside the police station. Shanti Devi sat in a white sari telling the story with great dignity and calm. In contrast, Malti Devi broke down, as she told the Tribunal about her 10 year old grandson, Anil, who had attended the meeting but never returned. He was missing. They never found his body. And his father (her son-in-law) had gone insane.

The witnesses included local leaders of political parties and

the Tribunal's notice. The people showed remarkable restraint, and sat silently listening to his deposition. He claimed that he had got title to the land by way of a document of 1932. He was given a patient hearing of nearly an hour.

It was dark and the Judges had to leave. Many people who had come to depose felt disappointed.

The next day on February 22, 1987 the Tribunal sat in Patna, at the Gandhi Sangrahalaya. Here nearly twenty witnesses deposed. These were seasoned journalists,



showed the Judges the spots where the MKSS had attacked. His statement was recorded on video. However, he said he would not sign any statement.

After the inspection the Tribunal sat on the verandah of the Library. It was from here that the MKSS leaders had given speeches. Today more than 2,000 people sat quietly listening to the witnesses deposing. The police was conspicuous by its absence.

Shanti Devi And Other Witness

The first witness was Shanti

members of other groups such as Kisan Sabha, and Indian People's Front. Mr Chandra Shekhar Singh, former MP from Arwal and a member of the Communist party of India, asserted that the meeting was peaceful and the firing was unprovoked. The Lok Dal leader corroborated this when he gave his account. He said he had watched the entire incident from the gate outside the Library.

It was late in the evening and two paraffin lamps were hung from the roofs, when Rameshwar Razak appeared to give his side of the story. He had come in response to

photographers, senior advocates of the Patna Bar, and civil rights activists who had all visited the place of firing within a week. Senior members of the CPI and CPM also showed their solidarity by deposing. Mr Abdi of the *Illustrated Weekly of India*, played his cassette in which he had recorded his conversation with the Superintendent of Police, Kaswan.

Mr Kishori Das, the Vice President of the People's Union for Civil Liberties, spoke of how he had received the body of the 12 year old girl Manmato. She had been injured in the firing and taken to the hospital. There no one had looked after her and she got gangrene. She had screamed with pain but no attention was paid. All the while the police insisted in tying her ankle with a rope to the bed in case she escaped.

The success of the Tribunal was largely due to the unstinted help given by young men training to be priests, nuns, students and political parties.

The Tribunal announced that the final hearing would be in Delhi on April 5th, 1987. ●

Criminalization of Indian Politics

An Introduction To A Historic Report

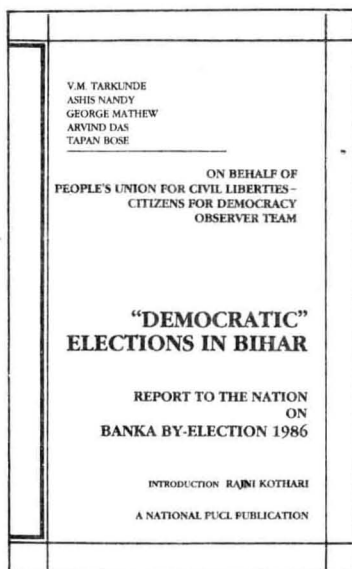
By Rajni Kothari

Criminalization of Indian politics has gone so far and for so long that even accounts of the grossest violations of the law committed in broad day light and in full knowledge of administrators, the police and party leaders have ceased to shock people. Atrocities on the landless and bonded labour, killing of alleged Naxalites in false encounters, gunning down of leaders of a particular community or caste at a police chowki, murders of political opponents are all reported but little notice taken of such reports. The level of public cynicism, particularly among the educated classes has reached such thresholds that there is little fear among those indulging in criminal politics of being censored or punished by highups or even found guilty at the bar of 'public opinion'. It is cynicism that has spread to the very sentinels of public opinion, namely the press and the media, the universities and the legal profession. So many of us seem to be getting immunised to evil acts and designs of wily politicians, professionals in violence and the merchants of crime, liquor and

drugs. We do not even want to hear any longer of all this lest it might touch the still tender cord in us. We prefer to overlook gross abuses, turn a deaf ear to evidence presented to us, leave unread reports carried in a journal or a newspaper about them. At bottom, most of us have become dehumanised. To my mind this is far more scary than the actual facts of atrocities, violations of the law or misdemeanours of those in power.

Banka's Telling Testimony

The happenings at the recently held Parliamentary election to the Banka constituency in Bihar are a telling testimony to the above observations. Towards the end of a poll at the same place there had taken place gross abuse-scale 'rigging'. Nothing much happened to the so-called 'public conscience'. This time, despite prior warnings to authorities (including the Election Commission) and much effort that was mounted to contain malpractices, it happened again, and on a still large scale, more blatant and throwing even ordinary caution to the wind. Yet the 'public con-



science' has gone almost unaffected. The national press largely ignored it (despite local editions of the same newspapers giving full and graphic accounts of the rigging). The academics put on a wry smile. The 'guardians of law and order' shrugged their shoulders. There was even some disbelief about it. There must be exaggeration in it all, some said. It might have happened but then don't all political parties and can-

didates engage in it, asked some others. Even the present report, I am sure, will be read by only a handful of already converted—despite efforts to distribute it as widely as possible (which will, I am sure, be the effort of PUCL, CFD and other concerned organizations).

And yet, we cannot allow such a feeling of powerlessness in the face of growing public apathy and at the sharp decline of democratic norms. It is the duty of those who still care for these norms to keep knocking the doors of what still survives as public conscience. For, after all, the health of a democracy depends on the continuing efforts by those convinced of the centrality of these norms to keep recording, highlighting and communicating small and big violations of them. What happened at Banka are flagrant violations of very basic norms, violations that eat at the core of the central institution—the verdict of the people on who should represent them—on which representative democracy rests. And within that context too, the violations that took place in Banka were at once

gross and grotesque.

The facts speak for themselves. The attempt in this report, which is based on a fact-finding investigation by a team of independent observers of considerable eminence, has been to present the findings in a judicious and balanced manner. Many who saw the happenings at the time of the poll may find it too careful and timid as also a little too simplistic and sketchy. But that is how it should be. The task of such a report is not to arouse resentments and passions but to assist in the formation of informed opinion on vital issues of democratic politics.

Alongside earlier PUCL and CFD reports on violations of civil liberties and political rights, this report brings out the grim pathology of our entire political process. What happened at Banka is an indictment of not just one small area in the state of Bihar but of the emerging political culture of the nation as a whole. At a time when the very integrity of Indian democracy is passing through a period of trial, we cannot afford to ignore the warnings from Banka.

The Bandwagon of Hindu Back Lash

By Akhil Anand

"Bharat mein yadi rahna hoga, Hindu ban kar rahna hoga."

In otherwise pleasant weather, at first the noise was rather dim and inaudible. But suddenly it grew loud enough to force the idle gossips in the coffee house to come to the terrace, only to find three bus loads of demonstrators carrying saffron colour flags and shouting 'Bharat mein yadi rahna hoga, Hindu ban kar rahna hoga'. This was the beginning of a series of demos, planned to converge into a massive march to Parliament House on February 23rd to voice the BJP demand for President's rule and effective army action in Punjab to 'save the country'.

The procession which was organised by a number of fronts like the Hindu Peerit Morcha and Hindu Shiv Sena, notwithstanding its small size, unfolded a major fact: That the race for the driving seat of the bandwagon of the back lash of Hindu communalism has been won by the hard core RSS bosses, who now control the Bharatiya Janta Party.

That it took Hindu chauvinists almost four decades after independence to begin to voice their basic fundamentalist demand of India for Hindus alone, is a story too deep for tears, too sad to recall. And more tragic is

the reality that efforts in this direction began much earlier than utterances like Khalistan or a Christian Republic of Nagaland. It is also not insignificant that the ruling Congress has also staked its claim for the leadership of the bandwagon by projecting the Janu (sacred Brahmanic thread) on the Prime Minister's kurta in the aftermath of Mrs. Gandhi's assassination.

Not Only RSS; Also Congress

That India that is Bharat is for Hindus alone is an old dream of Hindu chauvinists is obvious from one simple fact dating back to the earlier days of independence. For it was not only the RSS, but Congress leaders like Sardar Patel and K.M. Munshi who also nurtured the ambition of wiping out twelve hundred years of foreign influence from the polity and history of India.

For them Indian history abruptly stopped at the end of eighth century, and their only problem was how to connect that 8th century with modernity. Quite obviously, for the protagonists of this brand of nationalism, Islam, Sikhism and Christianity as well as the equalising and humane philosophies of the Sufies and Siddha yogies, all had their roots in foreign influence and had to be wiped out.

That it took almost four decades

to muster courage and voice this dream so blatantly is an indication of the danger of majority chauvinism raising its head again in less than half a century of causing a disastrous Second World War and bringing the sub-continent on the verge of yet another partition.

The fact that twelve hundred years of the history of India is almost foreign and has to be wiped out, has been the curse of the basic brainwashing pattern of the RSS, Arya Samaj and a large number of Hindu religious centres.

Butt of Chauvinism

Significantly enough, the butt of this slogan at present is pointed towards Punjab terrorists and is being used to create a frenzied demand for President rule in Punjab. Such a course would make a long drawn confrontation between the Army and the terrorists inevitable. It would also help the Hindu bandwagon to mobilise the voting pattern on religious and communal lines.

The February 23 BJP demonstration in the capital has to be understood as an 'all India' rally against the minorities. For, in the traditional Hindu mind, Muslims were already suspect and now the Sikhs have been added to this ever growing list of people not supposed to be in the mainstream.

Yet another fact to be noted in this contest is that while the Delhi BJP was coming out every day with a large number of posters in

the national capital, an all party meeting arrived at a consensus to tour Punjab and mobilise public opinion against terrorism.

BJP — Congress-Plan To Send Army To Punjab

It is not surprising that the BJP demand for President's rule in Punjab finds support in a section of the ruling party and a large number of civil servants are also itching to throw the armed forces into Punjab. It is clear that the Congress-I wants Barnala to prepare the ground by taking on the unsavoury task of preparing the ground for central action.

Who Is A Hindu?

If the idea of "India for Hindus alone" proceeds further, it will become more and more difficult to question the 'rationality' of this maxim. But then who is a Hindu? For, when Hitler raised a similar slogan of Aryan paramountcy, not only Jews, but even progressive Germans became suspects and victims.

So let us examine the definition of Hindu, as put forward by a close associate of BJP President L.K. Advani, "Hindu is one who offers India his absolute loyalty and patriotism, irrespective of religion, caste or creed." But the million dollar question is: who will testify this loyalty, the future Fuhrers Gestapo or the Karmkandi Brahmin religious heads of Puri, who did not

allow Mrs. Gandhi to get into their temple, or the party in power? And is it possible to insulate 'Bharat only for Hindus', without declaring it a Hindu State? And how will this Hindu state ensure the position of non-Hindus (of their definition) from the polity of a Hindu India?

Road To National Disintegration

These are the questions which carry within them grave dangers of disintegrating India, that is Bharat. For, is it not true that Arya Samajis, Buddhists and even a sizeable section of Dalits resent being called Hindus? Moreover, what has been impossible for a few people to do by burning one or the other page of the Indian Constitution for one demand or another, or refusal of a few to sing or respect the national anthem, seems to have been done by the bandwagon of Hindu back lash. In this way they have embarked on a way to demolition of the fundamental characteristics of the Indian Constitution. Some people firmly hold that it was the majority communalists in the Hindu-rather Hindu-belt which successfully partitioned the sub continent in 1947. And there are yet others who have begun to see the designs of these very religious bigots, in the slogan "Deshbhakt ki yeh Pahchan, Hindi, Hindu, Hindustan" — One is a Patriot, who believes in Hindi, and is a Hindu and it is he alone who is entitled to live in India."

Cover-Up, Eyewash, Forthright, Flawed - The Misra Commission Report

Continued from page 2, col 4
with the police and the local administration but very charitable to politicians... According to Mr Justice Misra a number of affidavits alleged encouragement by Mr H.K.L. Bhagat to non-Sikhs to wrest vengeance on Sikhs. Interestingly, hundreds of affidavits had been filed, a few by Sikhs, but mostly by non-Sikhs, to assert that Mr Bhagat had no role to play in the organised riots." According to Mr Sahay "The Commission should have pondered over the origin of these, but it came to the conclusion that the evidence against Mr Bhagat was scanty. Only a handful of affidavits had alleged that he had attended meetings or that he had clearly distributed money. Clearly, there appears to have been a tendency on the part of the Commission to go by numbers rather than weight of evidence."

Commenting on this part of the report a few days later, Pankaj Pachauri's coverage in *The Sunday Observer* (March 1) headlined "Cover-up job", and had this to say: "While asserting that the Congress (I) had no role to play at all in the riots, Justice Misra had, in his report, indicted 19 minor party functionaries, who, according to him, had acted in their individual capacities. Investigations, however, have revealed that the same evidence, affidavits and witnesses on the basis of which the 19 Congress (I) workers have been blamed, have also arraigned 13 senior party leaders including... H.K.L. Bhagat, former MPs Sajjan Kumar and Dharam Dass Shastri and as many as 10 Congress (I) metropolitan and municipal councillors. While upholding the charge against junior Congress (I) members, Justice Misra seems to have ignored similar indictment of senior leaders... Not only did Justice Misra not take note of these charges against senior Congress(I) leaders, he also failed to mention anywhere in his report that such a list was provided by the Delhi Sikh Gurudwara Management Committee." (The list of 19 junior Congressmen was provided in the same document to the Commission.)

H.K.L. Bhagat's Involvement

On the involvement of the Congress (I) and H.K.L. Bhagat the *Hindustan Times* took a very different view: "Nor has Mr Misra spared the Congress party" said that edit, "He had identified 19 Congressmen who, he believes, were involved in organising the killing and looting of Sikhs in Delhi. Fourteen of them belong to the Youth Congress. Nor has Mr. Misra ruled out the possibility that many more Congressmen at lower levels might have been involved... What he has ruled out, although as a prima facie conclusion, is H.K.L. Bhagat's involvement in organ-

ising the roots..."

Referring to Misra's conclusions that the riots were not organised, the paper commented "Justice Misra is not as categorical in his finding that the Delhi riots were not organised as some leaks in the Press have suggested. On the contrary he draws this conclusion mainly from the absence of any positive evidence of involvement and, in particular, the absence of any evidence against Mr Bhagat and the repeated appeals made by the Congress Party for unity and peace... In a further comment the edit went on "And while the Congress leaders may not have instigated violence it is not impossible that in the anger over Mrs Gandhi's assassination, some of them may have been guilty of wilful neglect".

Mr Abraham had no such illusions. His words: "Only too transparently the commission is equivocating. It says that the riots were organised. It says that 'anti-social' elements were behind them. But it also says that even those who cannot be so described took part. It says that 'people from the lower ranks of the Congress (I) and sympathisers' were among the rioters. It then partially takes back this conclusion by holding that they took part 'for considerations entirely their own'... It does not ask whether the 19 actually indicted are implicated in their own right or as flunkies who must take the rap to protect the more powerful and shadowy figures who control them. The report as these details show, is an exercise in shirking and fudging, rather than confronting the issues it was called upon to investigate."

Even harsher were Mr. Mulgaokar's words: "As for the complicity of Congress-I as a party in what happened following the assassination of Mrs Gandhi, it was a matter of wide observance that one prominent Congressman held court outside the AIIMS all afternoon giving the war cry 'khooon ka badla khooon se lenge' — murder will answer murder. Other prominent Congressmen were noticed from November onwards actively directing mobs, assisting them, pinpointing Sikh residences, organising the collecting of iron rods and other lethal weapons and of kerosene and petrol to assist arson. The case of Mr H.K.L. Bhagat is illustrative of the Commission's way of dealing with prominent Congressmen. But Mr Misra still finds it difficult to give him a clean bill. His final verdict is: 'In the absence of convincing material, the Commission is not in a position to accept the allegation that Sri Bhagat had instigated the rioters.' This is a verdict of not proven. Mr Bhagat can take such comfort from it as he can.

Justice Misra and the Press

Both Mr Mulgaokar and Mr Sahay commented on Mr Misra's criticism of Mr Justice Tarkunde (of the Citizens Justice Committee) for going to the press after the CJC felt compelled to withdraw from the Commission proceedings. Mr Sahay pointed out that when Mr Misra criticised Justice Tarkunde and "condemned a section of the Press for its 'irresponsible act' in publishing in-camera proceedings... it is curious that Mr Justice Misra, as Commissioner, should have been so oblivious of the simple fact that the procedure settled by a Commission of Inquiry binds nobody except the Commission and those who appear before it. A Commission of Inquiry is not a court of law. In talking about what happens in 'in-camera' proceedings, an individual or the Press, commits no contempt. A commission is by no means the only protector of the nation's laws or morality. Others have an equal right to decide for themselves what is good for the nation. And it may so happen that the national interest lies in exposing the shortcomings of an Inquiry Commission while proceedings are going on. Mr Justice Misra's condemnation of Mr Tarkunde is as much unwarranted as

is his homily to the Press."

Comments in *The Telegraph*, Calcutta (Feb 25) are restricted largely to pointing out the lapses on the part of the Railways and the paper abstains from commenting on other aspects of the Report. In November 1984 the same paper carried some of the most honest reporting on the Delhi holocaust, so this lack of comment on the more vital parts of the report is disappointing.

Further Investigation

Opinions differ on the recommendations of the Commission for further investigation. The *Hindustan Times* puts great faith in the two committees already appointed by the government at the recommendation of the Commission for this purpose: "The fact that the Government has already appointed persons of unimpeachable integrity to man both committees, shows that it is not willing to let the matter rest either. The fact that no less than 240 people have already been charged sheeted for their involvement in the Delhi riots also shows that no real attempt is being made to shield the guilty... Sikhs owe it both to the victims of the tragic events of 1984 and to the government to give the latter a fair chance to bring the offenders to book." Writing in the same paper on February 28 Mr Prem Shankar Jha felt that "The release of the Misra Commission report, its forthright

condemnation of the Delhi police, its indictment of Congressmen, and its recommendations (accepted by the government) to set two more committees to probe further into the riots, has helped to allay some of the suspicion amongst the Sikhs that the Government is determined to deny justice to the victims of the Delhi killings."

In total disagreement with this view Mr Abraham came to the conclusion that "In two major aspects the Commission has failed to satisfy either the Sikh minority or the public at large. It was asked to go into those terrible events and establish the guilt of those responsible. Instead it has passed the buck — Referring to the two committees and their investigation Mr Abraham asked "But what credibility will these scrutinies have in view of what the Misra panel has commited to be viewed, even as the Misra Commission's belated labours were, as an official delaying tactic."

Again Mr Mulgaokar put it bluntly "It is patently a flawed report of a flawed Inquiry Commission. It has carried no conviction with the Sikh community. Instead of winning its trust in some measure it has made the community more distrustful of New Delhi's intentions. Are we seeking a solution in Punjab without giving the alienated Sikh community a credible assurance of fair dealing and justice?"

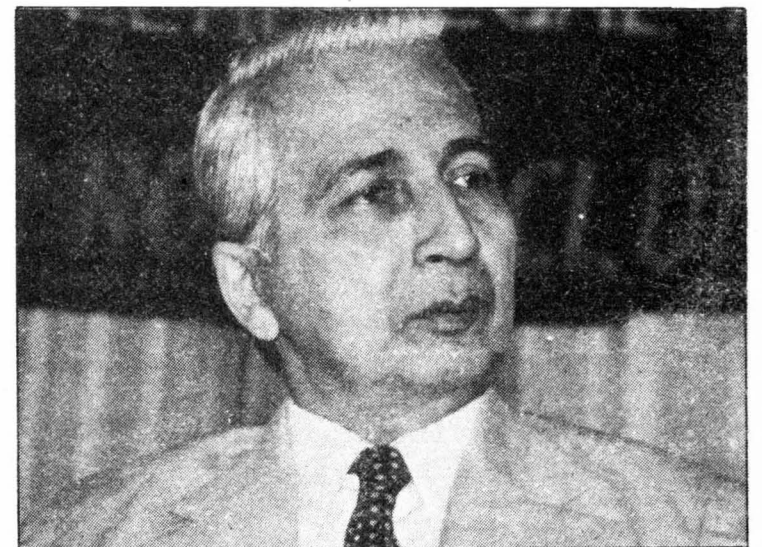
Citizens Justice Committee ...

Continued from page 1, col 5
was placed before the Commission regarding participation of three Members of Parliament and ten Councillors of the ruling party. The report is silent over it, though it notices participation in riots of 19 secondary functionaries of the ruling party. The Commission chooses to make a mention of H.K.L. Bhagat only to give a clean chit without discussing the whole material. The CJC finds it "hard to avoid an inference about the Commission's tilt towards the high functionaries of the ruling party."

Role of The Army: Battalion Withdrawn After Effective Action

In its press release the CJC

Justice S.M. Sikri : Then and now : His consciennse, concern and committment to values very much intact.



Justice Ranganath Misra singing to his master's voice.

points to the Commission's failure to take note of urgent pleas of prominent citizens for immediate deployment of the army on the morning of Nov.1, 1984 itself. This was in light of the fact that the army, though available in Delhi on 31st night, was not deployed. According to the CJC, "One battalion was ordered to withdraw to the barracks after it demonstrated its effectiveness to save a number of innocent lives. Though the Major of this Battalion was examined at the instance of the CJC his statement finds no mention in the report. It cannot be overlooked that orders of this nature could only have emanated from the Ministry of Defence."

Justice Misra's Bitter Pill

Continued from page 9, col 5

Further Investigations For What?

Justice Misra has recommended further investigations. As it is those victims who have evidence — many of them had come as witnesses before the Citizens' Commission in November 1984 —, who have dared intimidation and threats to their lives from the guilty whom they have named, have had enough. They have lost faith in the entire Inquiry and investigation process now that the Misra Report is public. How many will come forward a third time? How many have moved away? Most of them are people eking out a living, still existing in a climate of insecurity, always in fear of recurrence of the events of November 1984. Now that insecurity is further aggravated with the hope of justice gone.

As for the police, there was the aborted Ved Marwah Report, aborted by the Delhi Administration itself when it failed to move to get the stay order vacated. General J.S. Aurora's application for vacation of the stay was refused. So what will yet another police inquiry, more than two and a half years after the event, be worth. The Ved Marwah report was given to Justice Misra in any case.

The same is true of the investigation ordered to ascertain the number of dead. The CJC list is available, with the name of dead person in most cases, the name of the person reporting the death, and the former address of the deceased. Why not just recheck that list? Even shortly after the events it was difficult to draw up a list because of missing bodies, people who had gone away, transient population. HOW does Justice Misra expect to have such a list drawn up now? Or is this recommendation part of the whole exercise of "passing the buck" perpetually?

Organisers At Local Level Named In The Misra Report

BHALWANT KHOKHAR — Youth Congress (Palam Area)
RATTAN — Youth Congress (Palam Area)
RAMPAL SAROJ — Congress (I) (Tirlokpur)
BRAHMANAND GUPTA — Congress (I) (Sultanpur)
NATHU PRASAD — Congress (I) (Sultanpur)
JAI KISHEN — Secretary to SAJJAN KUMAR (Sultanpur)
HARDWARI LAL MANDAL — Congress (I) (Mangolpur)

PRATAP — Congress (I) (Sagarpur)
HEM CHANDER — Congress (I) (Inderpur)
GAJRAJ — Congress (I) (Ram Nagar)
SHYAM SINGH TYAGI — Congress (I) (Shakarpur)

Justice Misra on the Delhi Police:

There is abundant evidence before the Commission that the Police on the whole did not behave properly and failed to act as a professional force. Telephone No. 100 which is meant for notifying for police assistance did not respond at all during that period. The police stations when contacted on telephone ordinarily

Senior Congress Men In The DSGMC List Justice Misra Knew About

SUKHAN LAL SOOD, Councillor, East Delhi
RAM NARAYANAN VERMA, Councillor, Najafgarh
D.R. CHHABRA, Councillor, Lajpat Nagar
DEEP CHAND, Councillor, Ashok Vihar
BHARAT SINGH, Councillor
ASHOK KUMAR, Councillor
ARJAN DASS, Councillor
VASUDEV, Councillor
DHARAM SINGH, Councillor
MELA RAM, Councillor

H.K.L. BHAGAT M.P.
SAJJAN KUMAR M.P.
DHARAM DAS SHASTRI M.P.

did not respond and if there was any response it was a plea of inability to assist. The behaviour of most policemen was shabby in the sense that they allowed people to be killed, houses to be burnt, property to be looted, ladies to be dragged and misbehaved with in their very presence. . . . A professional police force by its expertise, experience and training was expected to meet any challenge. . . .

This is stated on pages 33 and 34 of the report. But on page 78 Justice Misra says:

"The Commission is alive to the

situation that the police are often accused of aggravating and inciting tension. These accusations are often untrue: however they probably arise because the police are necessarily constantly involved in incidents relating to public order. Ordinarily, they will be blamed by a certain segment of the society for what they have done; and they will be blamed by another segment for what they have not done. yet, there are occasions when both or all segments of the society do join in recognising their good and timely act.

"Government must realize that the police are meant to serve the community and are not intended to be used for serving the political cause of the party voted to power. The delinking must take place so that the morale of the service may increase. . . ."

But earlier, on page 69, he has this to say:

The allegations before the Commission about the conduct of the police are more of indifference and negligence during the riots than of any wrongful overt act. It is a fact that in some cases there have been allegations of police participation in the riots but the Commission in the absence of categorical evidence and in view of the findings of the Investigating Agency, is not in a position to reach a conclusion that there was such police participation. But instances of non-feasance are plentiful."

The Delhi Gurudwara Management Committee lists affidavits regarding police complicity.

In its written arguments submitted to the Commission the Committee has listed in detail 14 affidavits regarding the use and presence of police vehicles during the violence and 44 affidavits regarding complicity of Police officers and policemen in the violence. Many affidavits carry the names of several deponents and in the case of complicity, names of police personnel are given. Is this not "categorical evidence"?

Re. M.K.L. Bhagat Justice Misra states:

In quite a number of affidavits there was allegation that Shri H.K.L. Bhagat, Minister in Smt. Gandhi's cabinet and continued in Shri Rajiv Gandhi's Cabinet, insinuated the non-Sikhs to take revenge on the Sikhs. . . . Implicating of Shri Bhagat in the affidavits before the Commission, was perhaps in the air and hundreds of affidavits were filed before the Commission a few from Sikhs and mostly from non-Sikhs to say that Shri Bhagat had no role to play in organising the riots; on the other hand, he had helped the Sikhs and attended to their discomforts and looked after rehabilitation. . . . Excepting a handful of affidavits where it has been alleged that Shri Bhagat had come to meetings along with other local Congress (I) leaders on the night of 31st October or in the morning of the 1st November, and in a few affidavits alleging

distribution of money by him to boost up riots, the allegations are not very positive or specific." (pages 26-27)

Justice Misra Continues Later:

"Shri Bhagat was a sitting Member of Parliament from East Delhi constituency wherein a bulk of the tragic incidents have happened. . . . Shri Bhagat being a sitting M.P. and Minister was not likely to misbehave in the manner alleged. . . . People of the Sikh community being electors of his constituency, Shri Bhagat, keeping the democratic politician's behaviour towards the elector in view, was not likely to antagonise the Sikh sympathy towards him. . . . There is evidence that in the election to the Lok Sabha held almost within seven to eight weeks of the riots, certain members of the Sikh community worked in support of Shri Bhagat. (Page 27)

So, on the same page, Justice Misra concludes "In the absence of convincing material, the Commission is not in a position to

accept the allegation that Shri Bhagat had instigated the rioters."

The Misra Commission report quotes the then Lt. Governor Shri Gavai: " . . . after I had met the Prime Minister in the meeting of MPs at his residence I had asked for a personal interview with him and he obliged. He told me: 'Gavaiji you should have acted more swiftly in calling in the Army, I did not enter into any argument with him on that score but I said 'Sir, your mother was a great personage and that her assassination was a major calamity which had befallen the nation. Her assassination was bound to cause repercussions' . . . In the course of this talk I pointed out that during the curfew period there were many occasions when bystanders came out of their houses just to see what was going on. Government did not expect the administration to shoot these people as curfew breakers. . . . After that when I was hanging about there the Prime Minister told me 'Gavaiji, you are a heart patient and you should now take rest.'"

Anti-Barnala Mood Gaining Ground . . .

Continued from page 3, col 5

craft was kept ready at the Patiala Flying Club to fly the TV tapes to Jalandhar and bring still photographs to Chandigarh from where they were flown to Delhi in a civil aircraft. But in the process Mr Barnala has completely alienated himself from the Sikh masses. They are not only upset that he has "violated" the sanctity of the Akal Takht, but are also angry because nothing has changed for them under a Sikh government.

Dissident Barnalaites' Session

As though enough was not enough, on February 22 the dissident Akalis convened a delegate session of the 'ruling' Akali Dal and expelled the Chief Minister from the primary membership of the Akali Party. The session was convened at the Teja Singh Samundari Hall in the Golden Temple complex on a requisition signed by 30 delegates. The resolution 'expelling' Mr Barnala was moved by the former education minister, Mr Basant Singh Khalsa and Kagh Takkar and Mr Shiv Singh Khushpur. The Gurmehar as the new party president.

On the face of it these quick developments have not changed anything. Mr Barnala continues to be the Chief Minister of Punjab, the 'Ragi' is standing put at his position and so is the Unified Akali Dal. But deep damage has been done. No doubt Mr Barnala would continue to be the Chief Minister as long as the Congress (I) props him up. But this artificial respiration has already caused breathing problems to the Chief Minister. The more obvious the support from the Centre, the greater will be his alienation from his people. This is a matter of Sikh psyche which is allergic to the corridors of power in New Delhi.

Mr Barnala's plight is self-revealing in his manner of functioning. While the 'Ragi' is moving from village to village establishing a mass contact programme by telling the people about the recent developments, Mr. Barnala has limited his contact programme to closed door meetings with leaders of opposition parties.

An association with national leaders is bound to only seal the fate of Mr Barnala further. After Operation Blue Star, which alienated the Sikhs totally, Punjab needed a very strong Chief Minister who could give expression to Sikh apprehensions and aspirations and effectively fulfil the needs of economic rehabilitation of the State.

Most Sikhs Accept 'Ragi'

It is about time the Centre realised that Mr Barnala is no longer a popular leader. Unless, of course, the intention is to further strengthen secessionist forces for some short term political benefits. Also Darshan Singh 'Ragi' is a potent force. By and large most Sikhs accept him. Except for his recent controversial role he is a highly respected man. If he can bring together all forces on one platform under the authority of the Akal Takht to rehabilitate them in the democratic national mainstream, the Centre should seize the initiative and negotiate with the new group that is more representative of the Sikhs. Without such an initiative, the movement, which is until now an expression of anger, will only entrench itself further. This is not a time for national dithering.

Theatre of the Absured in J & K

Continued from page 16, col 5

keeping their options open and some understanding between the two was on the anvil.

Political Options

Meanwhile, three political options for the State were gradually emerging. One, to hold fresh elections at the end of Governor's rule in September, was considered a practical impossibility. Another, a favourite of the local Congress (I) unit, was the formation of a Congress (I) government with the support of the 14 defector M.L.As. The third was the imposition of President's rule on the expiry of Governor's rule.

In fact Najma Heptullah, General Secretary of the Congress (I), and Rajesh Pilot, had visited the state to ascertain the possibility of the second option, but returned with the feeling that it would cost the Congress a lot of prestige in general and be a setback locally.

N.C.(F) and Congress (I) Rapprochement

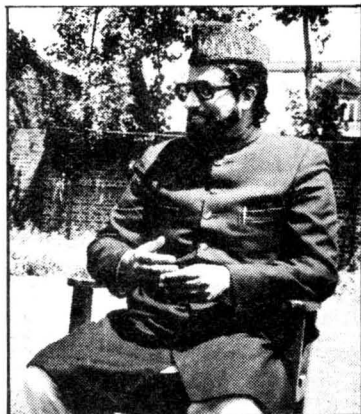
A meeting of the Working Committee of the N.C.(F) under the President's instructions, was convened in August 1, 1986. After two days of lengthy deliberations, they decided not to contest the forthcoming biennial elections to the Rajya Sabha, thus leaving the decks clear for the election of Mufti Mohammad Syed, the state Congress chief, already Minister of Tourism at the Centre.

Between President's rule and the formation of a Congress (I) — Abdullah led National Conference coalition government, the former alternative was considered the better possibility, because it would give the Congress time to get a better grip on the situation and allow negotiation (bargaining) between the leaders. President's rule could be revoked once a settlement satisfactory to both parties was reached. Before leaving for Srinagar on August 3, Abdullah, addressing a Press conference in Delhi, demanded the dissolution of the State Assembly and election of a new House. Meanwhile he suggested that the State could be placed under President's rule for a brief period. The last statement indicated that he was being guided by the decision taken by the Cabinet Committee. He also declared his total faith in the Prime Minister.

Whatever decision the PM had taken for the betterment of the country would be good for the State, he said.

Rousing Welcome

On arriving in Srinagar, for the first time after his return from the Haj pilgrimage, Abdullah received a rousing welcome. The procession escorting him from the airport took almost eight hours to reach Mujahid Manzil, about eight miles away. Banners proclaimed "Alha Dr Abdullah" and "Abdullah the deliverer". The jubilation proved to be short-lived followed as it was by reports of Abdullah's press conference in Delhi. A rapidly growing whispering campaign was unleashed, accusing Abdullah of surrendering to the Congress,



The Mirwaiz: In alliance with the National Conference and Congress-I. Will he be the trump card against the Muslim-United Front?

and in no time hand-bills giving details of his speech appeared in the interior of the city. On August 2, a press conference had been convened by a newly formed amorphous group calling itself the Muslim United Front (M.U.F), with the invitation sent out on behalf of their active branch "Majilis-e-Shora". Dr Abdullah and the Mirwaiz were amongst those invited. On his way to this conference, Qazi Nissar Ahmed was detained along with 14 of his companions and Abdul Ghani Lone was arrested from his home in Barzulla.

Hartal and Black-out

The next day, August 3, people learnt that the Governor had recommended President's rule, to be imposed on September 7. All these happenings agitated the people and the Majilis-e-Shora declared a hartal from August 4 onwards, with a black out every

Friday evening throughout the night. Almost all shops and business establishments in Srinagar and in the major towns of the Valley remained continuously closed. In Srinagar, on Friday, August 5, police fired on a stone pelting prayer meeting at the Jama Masjid Nowhate, killing Mushtaq Malik and injuring about 100 people, including 30 policemen. While the interior of the city was under this siege of violence, Abdullah and Mufti Mohammad Syed were addressing a meeting on the outskirts of the city, convened by the "Save the Trees" organisation.

Abdullah stated that for the first time he and Mufti, after 14 years of mutual bickering, wanted to work for the unity, integrity and solidarity of the country. Only the two national parties of the State, the N.C.(F) and Congress (I), he said, could face the challenge of fundamentalism together. Mufti reciprocated these sentiments. On the other hand, the leaders of the various other political parties in the State reiterated their demand for the dissolution of the State legislature, which was under suspended animation, and demanded holding of fresh elections immediately. These included five legislators of the N.C.(F), one of them being Pandit Pyare Lal Handoo.

Mirwaiz Farooq and Syed Mir Qasim, a former Chief Minister and Central Minister, in separate statements, criticized the proposed imposition of President's rule in the State. They stated that this would provide a breeding ground for extremist as well as other divisive forces, and allow continuation of the sordid game of political perversion which had persisted since the July 1984 coup. Mir Qasim deplored the detention of Abdul Ghani Lone, Ali Shah Geolani — leader of Jamat-e-Islami, and Qazi Nissar. Bhimsen, President of the State Panther Party, declared that imposition of President's rule reflected the political immaturity of the rulers at the Centre, and was the Prime Minister's latest blunder which could prove costly for the country. But in spite of all this protest, President's rule was imposed on September 7, the Assembly was not dissolved and all speculation about the formation of a popular government ended.

Hamara Shahar ...

Continued from page 5, col 5

was completely destroyed by the rain.

Later that year she got a job in Nivas village as a health visitor in the Family Planning Department. In 1967 her search for a nurse's certificate to replace the one destroyed by rain, took her from Indore to Bombay, as her files had been transferred from M.P. to Maharashtra after the state border changed. In Bombay, it took time to locate her file. Meanwhile she got a temporary job at the Worli Insurance Hospital for a year and a half.

News that her mother had fallen sick took her back to Yeotmal. Her mother died in 1969. Vimal should have inherited her mother's land but the village sarpanch and the police patil together usurped her land by getting a thumb print from her mother's corpse. Vimal stayed on in the village for a year attempting to fight her case but because she didn't have money and she was alone in her family, she gave up, returned to

Bombay, still carrying some of the documents establishing her ownership rights.

In Bombay in 1971 she finally got her new nurse's certificate confirmed but now there were no nursing jobs to be had without heavy bribes. For the last 15 years she has lived in the Bandra area supporting herself and her sons by working alternatively as a blind school attendant and a tailor's assistant. Deepak, now 26, works as a house painter whenever he gets work. Sanjay left them a few years ago to work in a nightclub in Bombay from where he occasionally sends some money. Vimal and Deepak live on a joint average income of Rs 300 to 500. Vimal cannot recall exactly how many times her home has been demolished since she first came to Bombay but says that four demolitions a year would be a low estimate.

Last year Vimal received a national award on behalf of the film maker of *Hamara Shahar*: *Bombay Our City*, and the slum dwellers of Bombay and India.

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Theatre of the Absurd in Jammu and Kashmir-I

(The first of a two-part article — a backgrounder to the elections in Kashmir on March 23)

Gauri Bazaz Malik

During the early forties secular elements of the Kashmir Muslim Conference, under the influence of Sheikh Mohammad Abdullah, Pundit Prem Nath Bazaz and other likeminded people left the parent body to form the National Conference. This new forum retained its individuality but, believing that it represented Kashmiri national aspirations, it maintained more than cordial relations with the Indian National Congress and, over the decades, represented the secular elements of the State, especially amongst the Muslims. This Kashmiri identity of the party was, in fact, reflected as the individuality of the J & K State itself in the form of article 370 of the Indian Constitution.

During the immediate post-independence period the Congress felt no need to have a pradesh unit in the State. But as the local political picture took on a more complex pattern, this need emerged. But the Congress was not able to build up any significant nucleus, because the National Conference continued to be strong, specially in the Valley.

In order to consolidate the Congress understanding with the National Conference, Indira Gandhi saw to it that Sheikh Abdullah chose his son as his political successor. Therefore, after the Sheikh's death, Mrs Gandhi ensured that the transfer of power in Jammu & Kashmir went smoothly and that Farooq Abdullah became the C.M., in spite of his lack of political experience and wisdom. She expected some loyalty in exchange for this, and she also saw this as a rehearsal of the transfer of power she expected to take place at the Centre. At this juncture the local, almost non-existent Congress, felt the time was ripe to start a campaign of systematic political provocation in the Valley, and of disinformation at the Centre.

Farooq Fights Back

Dr Farooq considered this a challenge to his existence. In 1983, during the elections to the Assembly, the Congress (I) left no stone unturned, no rule unbroken, in its bid to thwart the election of Dr Abdullah's party. He fought against this with all his strength. Unfortunately, the result of this was complete polarisation of the political forces in the State, especially in the Valley. The National Conference captured all but one seat, thus frustrating all the manipulations of the Congress (I) which faced a total rout in the Valley. A fortunate by-product of

this election was to deny electoral victory to pro-Pakistan or fundamentalist elements.

A cooling of relations between Congress (I) and N.C. (F) set in with a vengeance before, during, and after these elections. Mrs Gandhi's ego was hurt by the results, and she was also persuaded to believe that Farooq Abdullah was encouraging secessionism and extremism in the State, and supporting these elements in neighbouring Punjab. She sought the advice of B.K. Nehru, then Governor of the State, who did not recommend disturbing the duly elected Abdullah government.

Legitimate Government Toppled

This advice cost Nehru the governorship. He was soon replaced by Jagmohan who, as Vice-Chairman of the Delhi Development Authority, had been ruthless during the Emergency days. Jagmohan pulled off a political coup by engineering the defection of N.C. (F) M.L.As and wooing independent M.L.As. The result was the ouster of Dr Abdullah on July 2, 1984 within a year of his becoming C.M., on charges of encouraging Punjab terrorist activity and Pakistani infiltration. His regime was replaced by a government formed of defectors, with Congress (I) support, headed by G.M. Shah. It was a consolidation of incompatible forces and groups. Their differences increased following the extensive communal riots in the State, in February 1986, the worst in living memory.

Farooq Abdullah, who had



maintained a low profile till then, was provoked into an open attack on the Congress (I) - supported Shah government. Addressing a public gathering at Mattan, a town of Anantnag district, hardest hit by the riots, he accused the Shah regime of exploiting the religious sentiments of the Muslims of Jammu by encouraging the Shiv Sena, and then allowing miscreants to create disturbances in the Valley. On March 6, 1986, under great pressure from the representatives of the minority community of the Valley resident in Delhi, the Congress (I) decided to withdraw support to the twenty-month old Shah ministry. Shah tried to save his government through a bluff, announcing a merger between N.C.(F) and his faction i.e. N.C.(K) headed by his wife Khalida, daughter of Sheikh Mohammad Abdullah.

Political observers speculated on whether the Centre would impose a Congress (I) government in the State with the support of the 14 defectors from N.C.(F) who had formed the

backbone of the Shah team, in a reenactment of Sheikh Abdullah's ouster in 1953. But in 1953 Jawaharlal Nehru could rely on stalwarts like Bakhshi and Sadiq, both senior leaders of the National Conference in their own right. Now the best bet amongst the local secular leadership was Farooq Abdullah. But he had already been discredited by the Centre as "secessionist, pro-Pakistani and pro-Bhindranwala". So to save its own face, the Centre was left with no other alternative but to impose Governor's rule, which under section 92 of the J & K Constitution, was proclaimed on March 7, 1986. The Shah government was dismissed, and the State Assembly placed under suspended animation.

Governor's Rule in J & K

The Governor assumed to himself all the functions of the State, and announced supersession of the municipalities, the notified and town area committees and about 5000 panchayats. He set up a high level Security Board and stated that he was keen to hold State assembly elections in September, after the completion of six months of Governor's rule, once the tourist season was over. Farooq Abdullah welcomed Governor's rule and remarked that this perhaps was the best that could have happened to replace Shah's misrule. But he expressed his fear that delay in the establishment of a popular government in the State would further boost the anti-national activities unleashed during the Shah regime.

An ominous quiet stifled political activity till July 13, 1986, the observation of Martyrs' Day, commemorating the first political awakening of the Valley in 1931. A procession jointly organised by Farooq Abdullah and Mirwaiz — Farooq started from the Majahid Manzil head-quarters of the N.C.(F), and on reaching the martyrs' graves was addressed by them. They threatened to launch a fresh freedom struggle if Governor's rule in the State was not brought to an end soon. Following this there were rumours that the Centre had sent feelers for an understanding between the N.C. (F) and the State units of the Congress (I). Two significant meetings with Rajiv Gandhi, one of Abdullah, and the other of the J & K P.C.C. unit, on July 17 and 19 respectively, gave credence to these rumours. On July 21, Abdullah addressed a public meeting in Kupwara district of Kashmir, when he declared that he would not agree to anything less than the restoration of popular government through fresh elections.

Governor's Negative Opinion

At this time, senior central Congress (I) leaders cleared the proposal of a coalition government of Congress (I) with the N.C.(F), a party condemned as "secessionist" just two years ago. Asked to ascertain the feasibility of early elections in the State, the Governor expressed a negative opinion. The best proposal which Abdullah could offer, although it was a sudden departure from his earlier stand, was formation of a N.C.(F) government with Congress (I) support from outside. This was unacceptable to the Centre, which possibly still could not trust Abdullah, fearing that once he took charge of the government, he might dissolve the Assembly, leaving no alternative to early elections.

Rajiv Gandhi took a step toward reconciliation by asking Abdullah to lead the official Haj delegation and he, with his mother Begum Akbar Jahan, N.C.(F) M.P., left for Jeddah. Addressing his party before leaving, Abdullah counselled that anything is possible in politics. Rajiv Gandhi also left for a week's official visit to London and Mexico, and before leaving stated that at present the Congress had no intention of forming a government in J & K. Obviously both leaders were

Continued on page 15, col 1

Do Kashmir's people and peasant have peace or discord before them.

